AMERICAN ECCLESIASTICAL REVIEW.

NEW SERIES—VOL. VII.—(XVII.)—SEPT., 1897.—No. 3.

THE NEW THEORY OF CRIME AND JUSTICE.[1]

PART II.—THE CRIMINAL AS CONTRASTED WITH THE NORMAL.

TYPES.

I OPEN Macaulay's History of King James II., and I read in his fourth chapter how, on a set day, Titus Oates, the inventor of the Popish Plot, was brought to the bar for trial and judgment. "Westminster Hall," says the historian, "was crowded with spectators, eager to see the misery and humiliation of their persecutor. A few years earlier, his short neck, his legs uneven, the vulgar said, as those of a badger, his forehead low as that of a baboon, his purple cheeks, and his monstrous length of chin, had been familiar to all who frequented the courts of law. He had then been the idol of the nation. Wherever he had appeared men had uncovered their heads to him. The lives and estates of the

1 See A. E. R., August, 1897, for Part I.

magnates of the realm had been at his mercy. Times had now changed; and many who had formerly regarded him as the deliverer of his country, shuddered at the sight of those hideous features on which villainy seemed to have been written by the hand of God."[1]

A great novelist, George Eliot, has chosen another Titus—Tito Melema—for the anti-hero, or "felon-knight," of her Florentine story; and she takes a line of description exactly the opposite to Macaulay's, which was founded on the evidence of wood-cuts and engravings. Piero di Cosimo, the artist, on seeing Tito for the first time, says to him, "Young man, I am painting a picture of Sinon deceiving old Priam, and I should be glad of your face for my Sinon, if you'd give me a sitting." Tito Melema starts and turns pale, whereupon Cosimo explains gruffly that he meant no insinuation, because, "A perfect traitor should have a face which vice can write no marks on—lips that will lie with a dimpled smile—eyes of such agate-like brightness and depth that no infamy can dull them—cheeks that will rise from a murder and not look haggard. I say not this young man is a traitor; I mean, he has a face that would make him a more perfect traitor, if he had the heart of one."[2] And, as the romance moves on to its conclusion, we are brought to perceive that physical beauty and moral ugliness make of this fair Greek sycophant all that Piero di Cosimo had divined in him at first glance.

WHICH FOUNDED ON FACT?

Which of these two delineations does analysis, guided by the most careful inquiry, set down as accurate? Is there any sort of relation between the outward and the inward man—between the features and the character, the light in the eyes and the intention of the heart, the gesture, walk, attitude, and the spirit which abides in its fleshly tabernacle? That some relation there is, proverbs and the popular judgment bear witness. We have also an instinctive feeling, sometimes powerful enough to make us avoid an acquaintance

1 Hist. of Eng., I., iv., 236. 2 Romola, iv., 35.

which might otherwise be to our advantage, but that we cannot overcome our secret aversion, groundless in respect of knowledge and yet awakened by the first encounter with certain persons, as if they gave warning by their very looks of danger in approaching them. Language, too, but especially accent, tone, and the choice of expressions, may prepossess—it is the fitting word,—so entirely against one we have never seen before, as to set us on our guard and throw us back into that mood of unconquerable distrust, or defiance, which is, in a manner, the primitive condition, the state of nature wherein "Homo homini lupus." Anyone who dwells, as I happen to be dwelling, not far from a great high-road running across England, and who sees in the course of years literally thousands of "tramps," or "loafers," lounging on their way to Cardiff, Birmingham, or Liverpool, cannot fail to have noticed among them individuals of this forbidding type, women as well as men, and a melancholy proportion of children. In hospitals, prisons, workhouses, a pattern exists which is at once recognizable as degenerate. And on viewing these outcasts of society, who form a veritable "residuum," we ask the expert whether he knows them to be criminal in a degree which marks them off from the average? Must we look for a high number of delinquents among them? Has every culprit something of Titus Oates in his composition? Or, is Tito Melema the mould upon which assassins, traitors, poisoners, cheats and receivers of stolen goods have been framed? Such is the matter of Lombroso's investigations, pursued in as many as 54,000 instances; a matter difficult and dangerous, yet allowing of some deductions, though to be received with caution, and serving rather as ways into an unexplored territory than as paths and boundaries laid down after an ordnance survey.

CASES EXAMINED.

We have already granted the existence of a criminal class which is roughly coincident with the circle of "recidives." Perhaps it amounts to much the same in logic whether we say that a certain number of individuals form this criminal

class, or that in all these individuals qualities are latent, and may manifest themselves, which betoken predispositions to crime. However, the statements now to be advanced do not depend upon theory; experience has furnished them; and if we go steadily down the list of cases, if we cross-examine the details, and compare the photographs, handwriting and other evidence made accessible to us in these volumes, we can judge and decide with our own faculties how far the new school is right in its conception of the "delinquente nato." Its conclusions, narrated with the utmost brevity, are such as these: Crime, in a proportion that may extend to 35 per cent. of all the condemned, and to a still larger section of their different categories, must be looked upon as the outward and inevitable result of what we now call "atavism." How do we define atavism? It is nothing else than arrested development, or the survival in modern days of a type of human physique, and consequently of human ethics, which at some earlier stage was normal and the average. We can determine its marks, or stigmata, on the one hand by ocular, scientific and measured inspection of those whom the law incarcerates, and on the other by comparing with these grown men and women, savage tribes and civilized children—classes that never were developed up to our standard, or that by reason of their tender age have not arrived at it. Moreover, the insane furnish materials for comparison, inasmuch as they are frequently criminal, and are subject to impulses over which they have no command. Again, the phenomena of epilepsy—a dreadful, but instructive subject—throw light upon the genesis in the brain of actions executed by the hand; so that, when the whole course of argument is reviewed and summed up, Lombroso concludes, not indeed, as we might hastily imagine, that the criminal, the insane, and the epileptic are all one species, but that all have the affinities of divers species arranged under the head of degeneration from the normal. In other words, while the majority of any given nation in the civilized Western world have reached a development of sense, intellect and affectivity, which corresponds with the law and custom of that people,

some are to be found who remain at the childish, or the savage period of existence, being subject to impulse, destitute of self-control, not capable of entering into the moral ideas upon which education is built, and therefore enemies by nature to the majority with whose sentiments they have little or nothing in common. Civilization is Jacob, and the born criminal is Esau. But Esau had his characteristics, plain and evident to the observing spectator. He was a son of the wilderness, a nomad, a marauder, a creature of impulse, who could not look forward or keep down his appetite; who would sell the future for present pottage, and then break out into unavailing lamentation; who cherished long memories of vengeance, but was liable to fits of tenderness; and who could not bring himself to dwell in cities, or take to traffic, or exercise a sedentary profession. This parable has its fulfilment still, Lombroso would say, in the rebels to law and order whom we chastise (but how little to their reformation!) as felons, social birds of prey, and genuine anarchists.

WANT OF AFFECTION IN THEM.

The moral, or rather immoral, stigmata which are thus indicated, connecting our delinquents with lower forms of humanity—with Polynesians, negroes in their native habitat, Central and South Africans, with the barbarian tribes of history as painted by Herodotus, Tacitus, Strabo and others, cannot be denied. They strike one as much less open to question than the obscure and precarious data, especially the anatomical, with which Lombroso has somewhat encumbered his first chapters. Passion, impulse and violence do mark the savage temperament, while by no means incompatible with treachery and cunning, though utterly at variance with the moral government of oneself. And that all great crimes exhibit an intense selfishness will probably be granted. I do not speak of political or religious crimes, which stand in a class quite distinct from the rest, but of delinquencies committed in the ordinary way against persons and property. These are, in a very high degree, self-regarding; the criminal looks upon all others simply as instruments of his own grati-

fication. He can direct, it may be, a large and even complicated number of details to the end which he has in view; but that end is not social; no, not even when he belongs to a company of brigands or a gang of thieves. He is always wanting in the instinct which prompts us to act in view of the whole. That idea has not made a home for itself in his mind; therefore he is cruel, or lascivious, or preys upon his fellows, without so much as a thought of compassion for what they must endure if he is to enjoy. And that such is the character of unformed human creatures needs no demonstration, for we must all, at times, have observed it with pain or astonishment in children up to their riper years, and I daresay in others who, without being criminals, are characterized by an intense degree of self-absorption. It is on this fundamental trait that Lombroso fixes,—I think with good reason,—as explaining the apparently complex or even contradictory phenomena which meet us in the born delinquent. He is not, as the poets feign, always troubled before committing his hurtful deed, or haunted by Furies when it is done. Nothing strikes the observer so forcibly as the lack of concern, the indifference and lightness of temper, the want of seriousness and absence of remorse, in criminals who have deepened their offence by atrocious circumstances. The more terrible, the less human, may be what they have executed, so much the less do they seem affected by its memory. Not the guilty, but the innocent man, who is threatened with oncoming madness, finds his sleep disturbed by nightmare; and the newspapers are constantly recording with how impassible a spirit the assassin lies down and slumbers by his victim, when the crisis of murderous instinct has been dissipated by action. We must ever allow for exceptions and anomalies in a province so obscure. But this rooted insensibility where motives are present which would influence the average man in every fibre, and this deadness to impressions of heart-shaking novelty, occur so often among the worst convicts, that we cannot decline to seek out their cause. May we figure to ourselves the born delinquent as one whose system does not react to moral

stimulus, chiefly by reason of his defective nervous organization? Is there, to speak with the late Professor Huxley, a "physical basis" of crime? We are to safeguard free-will, and the argument leaves on one side those 60 per cent. who display no stigmata, or not any of decisive consequence, under Lombroso's inspection. But none will deny that some criminals are insane. What is the evidence touching their physique? Is there no lesion, or defect, in the fearfully delicate brain tissue, which they have inherited by crossings innumerable during more generations than we can pretend to reckon?

CRIMINAL VARIES LARGELY FROM THE AVERAGE.

"How variations arise we do not know," said Darwin; yet we do know that from the nature of the case they must arise, since no human being is the exact copy of either parent. Variation is the law of descent. What we term an average is an abstract, round about which as a centre individuals revolve, some approaching, others receding, and in a ratio most unequal. Now the modern school contends that the delinquent, when he is such on instinct, varies definitely and largely from the type of his contemporaries. I say largely, because though but a few anomalous points may be visible on the surface, yet these, by the law of correlation, are sure to be reproduced, or imitated throughout the system; for, as we agreed with Aristotle, man is one organic whole. Thus it happens that, supposing a dense head of hair is among the frequent stigmata of criminals, as it is, the absence of hair from the face and body may be expected; and this, too, is common. Or again, high and prominent cheek bones will be correlated with deep wrinkles in the lower part of the features, with powerful jaws and irregular teeth; and autopsy has revealed a series of corresponding phenomena, that is to say, which tend towards the bestial type, in the brain of such criminals, for example, simplicity of the sutures, massive bones, and precocious maturity of development, or, in other words, early termination and arrest in the human stage of progress. But these things mark the

lower tribes of men. So, too, qualities which betray another and less refined scale of feeling, combined with superior degrees of quickness in sight, or hearing, or smell, when found in the delinquent, put us in mind of the savage. And in both they are repeatedly found. The criminal has been tested by ingenious experiments which, with due precaution, make it clear that he is far less sensitive to pain than is the normal citizen or soldier. He does not feel, either actively or passively, with the same acuteness; but his eyesight is better than theirs; when he is injured he heals more rapidly; he is more excitable or more obtuse to impressions in a marked degree; and he has no steady courage, though capable of explosive and violent action. Moreover, between the two sexes, whether among criminals or the uncivilized, there is decidedly more assimilation and less difference than among average Europeans. This remarkable peculiarity may be seen, without searching for it, in any numerous collection of photographs which depict either species.[1]

INCAPABLE OF PROLONGED ATTENTION OR EXERTION.

Coming to the subject of attention, the most important quality, as every good teacher is aware, by which one pupil stands distinguished from another, it seems that the delinquent is not capable of it in a normal measure, but is flighty, feather-headed, and easily distracted. He cannot bear monotonous labor; he is a bad workman, passing from this occupation to that on the spur of the moment; lazy at all times when not under the spell of his peculiar passion; careless of to-morrow; as vain as he is idle; apt to regard his delinquencies in the light of heroic exploits, nay, boasting of them or writing them down in his diary at the risk of being found out; emotional, and yet absolutely cold to the persuasions of pity or sorrow; and while forgetting much that he has perpetrated in defiance of law, ready to invent, to "pitch a tale," to lie with circumstance, and when he is convicted of his falsehood, attempting a fresh set of delusions, but by no means changing color. Perhaps the

1 L. I., 138-307.

most curious experiments recorded in this book are those which prove that the criminal never blushes, though charged home with his ill-doings or rebuked in the hardest terms. Praise him, nevertheless, for anything in which he takes pride, flatter his vanity, and the movement of his pulse, as registered at that very instant, shows him to be keenly affected. Garofalo has drawn the "delinquente nato" in a series of negations; he has no sense of shame, no feeling of affection, no intuition of probity; these things are to him the merest hearsay, just as they would be to an infant less than two years old. The range of motive they imply may be likened to a keyboard and set of keys which are wanting in this imperfect instrument. So that, whereas Lombroso defines the criminal to be an invalid among men, we should rather look upon this kind in the light of a monster which falls below human nature into some embryonic and unfinished state. He is duty-blind, as others are color-blind; the law which says "Thou shalt," and "Thou shalt not," speaks to deaf ears in such a one; nor does he ever charge himself with perversity, like Medea, in those often quoted words: "Video meliora proboque: deteriora sequor," since he never has beheld the better virtues nor understands their dialect. Can this portent exist? I am of opinion that the facts which go towards proving his existence are not to be gainsaid. Every priest has perhaps known specimens from the class of incorrigible or hopeless recidives now under consideration, ranging through an extensive territory where differences shade off by degrees not easy to fix, from the mere idiot who does harm aimlessly and at random to the deliberate, cold-hearted, cruel-eyed, treacherous Frankenstein, whose delight is in evil and who shows no sign of remorse or compunction. To me the most striking character in the psychology of those I have studied was their "amnesia," their complete oblivion of acts whether fierce or deceptive to which they had given way, almost as if the state of crime were somnambulism, with intervals in which the appetites, being now satisfied, lay still, and memory of the violent period was abolished.

ENEMIES OF LIFE, PURITY, PROPERTY.

By a process resembling the Galton photograph, which compounds into one likeness many superposed outlines, it is possible to figure and express graphically the chief criminal types. We may reduce them to three,—the assailant of life, of purity, and of property, or the cruel, the lascivious, and the cheat. We do not mean, of course, that one kind absolutely excludes the other ; yet each has its distinctive marks, as well in mind as in body ; and each tends to form a group between whose members a natural freemasonry springs up and is widely propagated. Thus, when public celebrations call to any large centre the light-fingered who prey upon crowds and attend our festal gatherings, all these, though unable to speak one another's language, find out their fellows, and a Hungarian or German thief will gravitate in London to the district where his species abounds and be sure of a welcome. There is no such thing, say the experts, as a League of Criminals, a Black International spread, like the maffia, through both hemispheres. But smaller confederations, in all three kinds above mentioned, arise from season to season, hold together some little while, and then dissolve. The criminal, except he is a prisoner, (and he too, on occasion) tends to be gregarious, though not, as we have seen, a truly social being. His excitable and unsteady temperament, his vanity, his thirst for gratification of the senses, his indifference to politics, literature, business, all drive him into company where he can idle away the hours in drinking, gaming, scurrile talk, and base pleasures. He is a cynic, upon whose countenance trickery, laughter, and the obscene vices write their premature wrinkles. He can be deadly violent but never serious. What he loves is *blague*, as the French call it, or *chutzbah*, to use the modern Hebrew term ; in English we may think of the whole disposition as expressing itself by means of "slang," "jargon," and "thieves' Latin." If we take up a dictionary of *argot*, *La langue verte*, in any European tongue, we shall observe, first, that it is an exceedingly composite language, far more so than the literary which educated persons use;

secondly, that it abounds in synonyms, in metaphor and simile, in half words oddly joined together, and in a sort of speaking hieroglyphic; and thirdly, that it betrays poverty of thought and a narrow round of *phantasmata*, in which the human sinks to the bestial, and appetite demands an enormous share.

PRISON INSCRIPTIONS.

Lombroso has contributed a decisive proof,—which, however, was to students acquainted with the ways of crime superfluous,—of the small attention paid to social or meditative themes by the delinquent, in his "Prison-palimpsests." These are the writings and scribblings,—the *graffiti*, as we call them in archeology,—which criminals have traced on the walls of their cells. And in accordance with their jargons no less than their ordinary pursuits, the inscriptions, commonly poor and trivial, often mocking, and once in a way rising to touches of genius, are mostly occupied with revenge, hatred, lamentation over one's own misfortunes, the cravings of appetite, correspondence between prisoners on the means of escape or the incidents of trial, and to some slight degree with superstitious prayers and practices. The criminal is frequently a believer in his native religion; he conforms, and takes up the externals of which he has some vague idea that they will get him out of trouble. But his religion is fatalism, or chance, confidence in amulets, in days, and in observances; it has no spiritual elements, but degrades Christianity until it becomes a fetich; and at Artena, if we can accept the evidence, nay in Paris itself, thieves and assassins get prayers said for their intention (without disclosing it surely!) when they are about a fresh expedition or have had a run of ill-luck. The deity which delinquents thus worship is not a moral being but a force of nature, corresponding to Mercury, god of thieves, or Bhuwani, patroness and queen of murderers; not seen in a definite shape, or distinctly personified; but all-powerful, and worthy to be coaxed into clemency by offerings and petitions. All this we call heathenism in a Christian masquerade.

OUTWARD APPEARANCE OF THESE TYPES.

To return where we have left our three physical types. "Concerning the outward appearance of delinquents," says Lombroso, "many false notions are current. Novelists describe them as men of dreadful aspect, bearded up to the eyes, with a sparkling and ferocious glance, and aquiline beak. More attentive students, for example, Casper, move to the opposite extreme, and can perceive no difference between the honest man and the rogue. Both, however, miss the point. Certainly, criminals there are with large capacity of brain (he gives instances) and physiognomy quite regular, especially among able miscreants and chiefs of brigandage or bands of homicides. . . . But these are exceptions in which an intellect beyond the common is allied, as often happens, with a certain beauty of form. When we compare together large numbers in prison, we find, not always a terrible or deformed, but a peculiar expression, which we soon come to recognize as belonging to a species." He then describes as follows:[1] "Habitual homicides have in their look something glassy, cold and motionless; the eyes are often bloodshot; the nose aquiline, hooked, or as of a hawk, always largely developed; jaws powerful, cheek bones prominent, ears long; the hair thick, dark and curly; beard very often not much; canine teeth large; the lips thin; involuntary winking or contraction on one side of the face, so as to disclose the canine teeth;" —and he has already shown that they are tall fellows, with muscular strength above the average, and an extreme pallor. Many of these signs vary, but the eye is an almost infallible guide to a sanguinary disposition.

"Of the forgers and cheats whom I have been allowed to study," continues our author, "many had an expression fashioned to singular good nature—something clerical about it—which was indeed necessary to throw their victim off his guard. One I knew with the face of an angel, but exceedingly pale, so that he was incapable of blushing, and under

1 L. I., 274 seq.

stress of emotion *turned white*. A few also with distorted features and squinting eyes, but they were lunatics. Many have small eyes which look down habitually, irregular nose, long and voluminous, very dark hair, but not unfrequently grey hair and premature baldness, with a feminine expression." It may be remarked that the early falling off of the hair is taken to be a good sign, morally speaking; and greyness denotes intellect, according to the new school. Idiots, or cretins, it would seem, never change the color of their locks. In general, Lombroso concludes, "the born delinquent has outstanding ears, very abundant hair on the head, little beard, the frontal sinuses prominent (receding forehead), enormous jaws, square or protruding chin, large cheek bones, frequent gesture—he is of a type which approaches to the Mongolian and sometimes to the Negroid."[1]

A single one of these characters, it may be objected, cannot signify much; and are not several of them to be found in perfectly honorable members of society, whom none would dream of charging with delinquencies on the ground of their appearance? Lombroso replies by pointing out, from his tables, that deflections such as these multiply according to the gravity of the offence in our convicts. Slighter criminals showed, under his inspection, from 23 to 36 per cent. of the undesirable pattern. Ferri, dealing with the same class, found 35; with those of a deeper dye, 41. And Penta, whose occupation was with the gravest of all, discovered no less than 94 per cent., who bore these anomalies upon them.

On the other hand, an examination of 400 persons declared to be honest made known one man with criminal type complete; four to six of the bad characters presented themselves in eight of this selection; and 213 had one or other of the peculiarities we have noted. But among the 213, no fewer than 75 had an indifferent reputation, and, unless the charges set down against them were false, must be counted as criminals at large. "Individuals that seemed to me upright," observes Lombroso, "and whom I was bound to reckon as

1 L. I., 278.

such, but who had many of these stigmata, have told me after years of acquaintance that the temper of the delinquent was really in them and did but want the occasion. Thus, one man, rich enough to satisfy all his caprices, said that if he had been born poor, he would have become a thief and a homicide; his two brothers, altogether like him in disposition, did, as a matter of fact, follow that career."

RACES OF CRIMINALS—GYPSIES.

But a demonstration which is not open to cavil, of the "physical basis" of crime, will be drawn from its hereditary character in some well-known races, and in families the record of which is accessible through their long and frequent sojourning in public institutions. There is, if I may so express myself, a secondary original sin, a disease of the mind, which cannot be transmitted unless by means of the organism, and yet, from age to age it yields a bad harvest, the fresh individuals manifesting in habit and proclivities all the vice of their parents before them. "An evil crow, an evil egg," said the Grecian proverb. Rightly, and we may verify that sad experience in all the reformatories and prisons of the world. Be it observed, that the converse, though abundantly true, is liable to many exceptions, "good wombs have borne bad sons," we read in Shakespeare; as, of course, they sometimes must, if variation moves both behind and in advance of the normal. But the "body of sin," which is at once the medium and the material whereby the *status naturæ lapsæ* is inherited, we are apt to imagine as ever one and the same, although surely, since it is something concrete, it comes to each man clothed in peculiar differences. At any rate, prescinding from Catholic dogma, we have seen tribes like the gypsies, to whom, as one observer tells us, "authority, law, rule, principle, precept and duty," are ideas insupportable and things which they spurn from them. The gypsy has no word signifying "thou shalt" in his language. He belongs to a family of born delinquents. He is a thief upon instinct; idle, vain, drunken; a liar and a coward; a cheat, an assassin, a vaga-

bond on the face of the earth; contributing his knavish terms to the slang of all countries; unclean and improvident; not to be tamed or taught by any artifice; with the appetite and the tastes of dogs or hyenas; superstitious but pretty much of an atheist; and revengeful to an incredible degree of passion. With all this, impassible as a Red Indian, but the worst of soldiers. A parallel so minute and so full between the individuals found in civilized society as one in 353, or one in 200, and a whole tribe like this which civilization has never touched, will become intelligible on the lines of relapse and degeneracy, but not otherwise. What the Zingari are now, the ancestors of European nations all were in ancient days, two thousand years ago or more, and so backwards to the prehistoric time. We can understand arrested development when its visible form and image are magnified as on a screen, by this undeveloped race at our doors. But if *they* represent an old embryonic state of morals, is it impossible that a family should survive here and there among advanced nations, in which the type of the Zingaro shall prevail? What says modern history?

FAMILIES OF CRIMINALS AND DISEASED.

The evidence happens to be strong and close at hand. Lombroso gives the pedigree of several such families, for instance, of the Lemaires, the Chrétiens, the Fieschi. But his most conclusive documents are furnished by America and England. Writing on "instinctive criminality" in 1892, Strahan relates the chronicle of a house founded by two sisters, the first of whom died in 1825. Their descendants amounted to 834 persons, of whom 709 had been traced with sufficient accuracy. Of these 709, as many as 106 were illegitimate; 164 were fallen women; 17 were "ruffians," or in some way violent; 142 mendicants; 64 treated for chronic maladies; and 76 criminals, who between them had passed 166 years in prison. The "secondary original sin," which was mighty in all these, cannot well be denied; and its admission carries along with it a "physical basis" of crime.

Still more celebrated are the Jukes, who in 85 years cost the American State more than five millions of dollars. They begin for the purport of this argument with Max Jukes, born about 1720, and Ada his wife, born in 1740, both drunkards and dissolute, and the woman a thief. Their legitimate descendants down to 1874 amounted to 540; their illegitimate, so far as traceable, to 169. Dugdale, who reports the particulars, sums them up by observing that 200 of the Jukes were thieves and criminals; 280 paupers and invalids; 90 fallen women descended from a single drunkard; 300 children deceased prematurely; 400 men infected with syphilis; 7 victims of assassination. Where the brothers gave themselves up to crime, the sisters indulged in disorderly living; the fifth generation were all delinquents or evil women; the illegitimate show relatively a much higher degree of crime than the legitimate; and the figures which denote pauperism make it evident that there is an intimate connection between immorality and diseases of the nervous system, as well as between physical deformities, offences against law, insanity, syphilis and epilepsy, when an infected source has once been established. Moreover, to come down to the practical question that will engage us in my concluding article, the public funds have been called upon to maintain 734 individuals, thus hostile to every interest of society, without deriving from any one of them aught except a painful and hitherto unprofitable experience.

However, it will now be granted, in consideration of the facts which I have summarized—and they are but samples from an immense collection—that crime is not simply an event in the lives of these individuals; it is a symptom, rather, which points to degeneracy and must be taken as one of its forms. Crime is congenital; it may be inherited; and has its seat like any other disease in the blood. It affects the entire system, modifying as a cause the mental habits, disposing of the emotions according to a philosophy of its own, and hindering the growth of those higher nerve-centres to which, by a process beyond our comprehension, the true ethical temper corresponds, and by means of which it is developed.

Up to this stage Lombroso, as I venture to think, has made his footing sure. But he is a bold climber; and when he proceeds to compare all the varieties of degeneration with epilepsy, and at last to identify them in one universal formula, I doubt that many will follow him. An explanation that tends to overlook specific differences runs no small risk of ending in a phrase which explains not even itself.

Still, I am bound to rehearse the steps of his reasoning. I do so with reluctance; first, because the subject is one on which doctors do not seem to be agreed, and secondly, because it is exquisitely painful and depressing. I shall, then, not enlarge upon it more than the strict rules of justice demand.

IS CRIME A VARIATION UPON EPILEPSY?

Our born criminal, as we now conclude, is the victim of malformations which go back to his very origin, have their roots in the soil where he flourishes, and are inherited from drunken or diseased parents, grandparents, and an indefinitely prolonged line of ancestry. Thus do we account for his many cranial abnormalities; for the triangular shape of head and countenance which distorts the human lines of beauty; for his oblique skull, and uneven teeth, and too massive jaws; for his frequent "mancinism," or left-handedness, which implies development of the right lobe of the brain, and is contrary to normal evolution. Again, starting from this anatomical diagram, we proceed to the derangement of functions, weak heart, unhealthy liver, and visceral disorders, accompanied with hysteria, panic fear, emotions stirred up easily upon the surface, but lack of feeling, specific as well as general, and a consequent need of high stimulation before the ordinary reactions are obtained. This combination of excitability with obtuseness may be proved by a series of facts which, until we analyze them into their causes, would seem to be incompatible. On the one hand, criminals, who are liable more than other men to cutting and wounding, recover speedily, and, as is clear, experience less pain than the sensitive, honest citizen. But, on the other hand, among delin-

quents, the proportion of suicides has been set down in England as between four and five times the number among persons at large; in Italy, three times; in Norway, eight times, and in Holland, above ten times. If we add, says Lombroso, the cases of attempted self-destruction, which these figures do not include, we shall have to multiply them by three. What is the explanation? It is, our witnesses would argue, impatience of present discomfort, a low degree of sensibility, caprice, impulse, and *tedium vitæ*,—all effects assignable to diminished vital force and irregular circulation.

"PLACE OF LEAST RESISTANCE."

The normal man is well balanced and consistent in his acts; and while feeling the impulses which outward impressions stir within him, he does not yield at once, but weighs and considers them according to a standard, social, religious, ethical, as the case may be. The criminal is unbalanced; there is always somewhere in his system a weak place, *locus minoris resistentiæ*, to which the impulse rushes, thereby furrowing a track which every new assault will deepen. Amid the endless variety of delinquents, each, it has been observed, perpetrates his offences in a way peculiar to himself, as it were automatically; and, though "recidives improper" abound—that is to say, convicts who fall into crime of a class distinct from their previous misdemeanors,—yet the number is greatest by far of men and women who are always repeating the same felony with identical circumstances. This fact, astonishing at first blush, comes out ever the more unmistakably as the crime is more hideous and inhuman. I have been careful to avoid particulars throughout these pages, which are intended to suggest principles rather than to confuse by over-much illustration; but we may take it as proved that the most dreadful examples of offence against the person tend to become a monomania, under the influence of which all sensibility, thought and purpose fall into one channel, and travel continually along the same course. Our key-word is, then, "the place of least resistance."

"IMPULSIVE MANIA."

Suppose we describe the same phenomena from the side of action, how will they be termed? Is any expression more suitable than "impulsive mania?" When acts appear to be committed with no motive, or one that is plainly futile and inadequate; when there is a "fund of irritation" liable to discharge, like an electric battery, as soon as it is touched; when that wrath suffers no bridle, and its manifestations are extreme in point of brutality, going to lengths unspeakable, yet afterwards ceasing as suddenly as they have broken out, and leaving but a faint reminiscence or none at all; when, moreover, on drawing up a chart of the family to which the delinquent belongs, we perceive crime, disease, and madness completing one another as by a series of equivalences; and when each of these deviations from the normal comes under a periodic law,—what shall we determine upon as the dominant psycho-physical factor which is common to all three? We remember Taine's definition of the mind as "a polypus of images," and how, when no other group is present to "reduce" each set as they rise into memory, these become "hallucinations," and are taken to be real. It would follow that under arrested development, according to its kind, any one series of *phantasmata*, provoked however feebly, might make for the place of least resistance, collect at that spot the whole energy of the system, and precipitate into acts the most tremendous that miserable being who, while in appearance giving play to his faculties with unbounded freedom, was merely a puppet moved by nervous discharges, and powerless to control his muscles or his mind.

THIS ACCOUNT FITS CRIMINAL AND EPILEPTIC.

Whom are we describing in these words? The criminal or the epileptic? So far as general terms convey a picture, it might be this one or that one; the phenomena cannot be

distinguished, except by adding in the delinquent knowledge and deliberation. But, in many cases, we know that deliberation is absent; crime follows like a flash of lightning upon some occasion exceedingly slight. In deeds of violence, from wife-beating to rabid outbreaks of murder, the swiftness and suddenness are marked. Shall we assert that in the born criminal, even where an interval takes place between the forming of the purpose and its execution, a marshalling of images upon the weak place in the brain is going forward, until the battery can hold out no longer and explodes? Then deliberation itself in him would be nothing but the symptom of a storm which was piling up its thunders in secret, or, as Taine might construe the process, which was effacing the less vivid and energetic *phantasmata*, driving them below the horizon, and usurping the whole front of the stage. We have still before us one species, the criminal born, in whose consciousness only the shadow, the simulacrum, of human affections, motives, principles, is discernible, according to Lombroso. There will be then a fixed idea, nourished upon some deep instinct, which by a law corresponding to the rhythm of natural events, presses for satisfaction after repeated warnings, with uneasiness, disturbance of the mind, a sort of "malaise" and disquietude, or, as it is called by physicians, an "aura," the prelude in epilepsy of attacks most dangerous. Criminals are very apt to talk of their "caprices;" and in prison it is frequently known by symptoms of unrest or excitement that something desperate is likely to be attempted. Here, then, we observe a tenacious impulse, bent on gratifying itself, and requiring no motive but only the chance material upon which to work. The moral sense is asleep or extinct, or has never existed. And by way of clinching the argument, we are told that such an impulse as is here described, or concentration of *phantasmata* upon a given point, is in the young, from about 15 to 30, according to race and climate, the antecedent of *physical* passions bursting out into crime; but in persons between 30 and 50 tends to become *psychical*, and has for its result insanity.

THE PARALLEL IN LOMBROSO.

Late experiments have shown, according to Lombroso, Penta, and other physiologists that we may define epilepsy as "the discharge of certain cortical brain-centres when irritated, in persons already predisposed by descent, wounding, or intoxication; which accords perfectly with pathological researches whereby it has been proved that in epileptics, the moral insane and criminals, there is a predominance of frontal microcephaly, as also inflammation of the cortex and of the cerebral membranes."[1]

Upon this account of the disease, anatomically considered, Lombroso builds a vast structure, deriving his materials from far and wide, until he has attained a parallel, complete in all its stages, between the epileptic and the delinquent. Asylums like Broadmoor contain a large percentage, indeed, of criminal lunatics who are subject to convulsions; and these alone have hitherto furnished the data of epilepsy as connected with offences against law. But convulsions need not be present to indicate the existence of this strange and awful disease; nor, if Lombroso is justified in his assertions, will epilepsy in that form be either the most dangerous or the most anti-social. Distinguished by concrete examples into many kinds (whereas it was formerly reduced to one by the folly of abstraction and lack of attention to particulars) it ascends more and more in the prison statistics now put before us. Ottolenghi has found among 250 criminals some 24 epileptics in the first 100 examined; over 35 in the second 100; and in the remaining 50 no fewer than 18, or 36 per cent; When another catalogue of 305 epileptics was dealt with from this point of view, it yielded 300 cases of accused, ranging down the whole gamut of crime—homicides, incendiaries, thieves, suicides, immoral, infanticides, vagabonds, and persons "with no visible means of subsistence." It is ascertained that, even restricting our view to the convulsionary sort, prisoners include from 9 to 50 times as many epileptics as are found among the normal. Adding one large class,

1 L., II., 172.

delinquents born of drunken ancestors, we cannot overlook the intimate connection between *delirium tremens* and epilepsy. The habitual drunkard, or dipsomaniac, exhibits all the characters of uncontrollable impulse, with degeneration in its train; but he is frequently subject to fits, and his delirium is one of the best marked species of hallucination, sometimes lapsing into murder with circumstances of extreme ferocity.

To complete the resemblance, which is ever passing into identity, Lombroso spends several hundred pages in a description of the habitat, the periods, the causes, and the symptoms of epileptic disorders. They coincide, as to their distribution, with the geography of crime; they assail infancy and youth; they are inheritable, and appear side by side with moral or mental disease in the same pedigree; and often "the criminal appetites of one brother will form a complement, in the physician's view, to the epileptic outbreaks of another." But, though this malady involves degeneration, and therefore relapse, of the organism to some less advanced stage, it by no means excludes later influences, such as poor nourishment of the brain, injuries received from blows or accidents, weakness following upon typhoid fever or meningitis, and the like; for impressions may be made upon the individual in this way as deep and lasting as the anomalies bequeathed to him by his forefathers. No less applicable are these observations to the delinquent, who, if not born such, has been enrolled among the forlorn company,—as we know may happen in the case of sound minds diverted to madness,—by a casual distemper, an unhinging fright, or even a stroke upon the head; so that his new character shall be totally unlike the old. It is not by atavism but disease that Lombroso would explain in these related classes the intermittences or contradictions which their sentiments disclose; their idleness, convulsions, and impulses of an individual kind; their cynicism, too, alternating with fits of religious fervor; their disgusting gaiety which soils everything it touches; and their simulation of imbecility at the root of which lurks a true but veiled madness.

EPILEPSY AND GENIUS.

"This disease," remarks Voisin, "destroys the character and brings about the loss of moral judgment; it ruins the intellect by weakening it and inducing dullness or stupidity. and it is the source of depression, ill-humor, hallucination, and delusion." Fisher subjoins that "its prevailing symptoms are abrupt contrasts and unbridled immorality; it is always in extremes." But do not epileptics display remarkable intelligence? Have not some of them figured among men of illustrious and extraordinary genius—Julius Cæsar, Mohammed, Newton and Napoleon, to cite only these? Lombroso, far from denying, has insisted in a special and much-quoted volume, upon this testimony to his favorite doctrine, which ascribes all large deflections from the average and the normal, whether above or below, to inflamed cortical centres. The proof that genius must be abnormal he finds, among other tokens on which I cannot now dwell, in its want of "affectivity," or its exaggerated "altruism." And if we consider man as made up of three strands, which unite in one sound human being when he is truly himself, namely, sense, intellect, and affection, we may take away the last, leaving the other two in various proportions, with crime, or moral insanity, to mark the absence of that supreme governing element, the steady will, which is at once judicious, sympathetic, and careful of the rights and claims of its fellow-mortals. Genius, taken alone, need not be ethically great or good; in painters, musicians, poets, statesmen, and conquerors it has often appeared as a gigantic impulse obedient to no law but its own activity; and in characters like Peter I. of Russia, like Benvenuto Cellini, and Bonaparte, a vast, or delicate, or comprehensive sensibility to their own ideas has been combined with absolute disregard for the life or the happiness of others. All this shadows forth some mysterious principle, which our author, in love with his science and art of the asylum, would simplify into cortical brain disease. But here, upon the borders of a region most obscure, we may pause to look back over the pathway, lying to some extent in less gloomy shadow, along which we have travelled.

THE TWO PORTRAITS ARE TWO CLASSES OF DELINQUENTS.

We began with two portraits, one as unlovely as can well be pictured, the second a creation of the mind intent upon contrasting the inward and the outward man for ethical purposes. Which is true to experience? We may answer that both are true, Titus Oates and Tito Melema. But the beautiful Greek is an exception; he need not be a criminal except by his own choice and gradual yielding to impulses which at first are well under his control. He becomes base; he is not born so. And Titus Oates? Can it be allowed that on his hideous features "villainy had been written by the hand of God?" Waiving theological questions, into which I do not now enter, but convinced that predispositions to crime, as to insanity, exist in this or that individual stronger and more deeply rooted than we see in many another, I submit the evidence brought forward by Lombroso to criticism and just distinction. That there is such a thing as hereditary sin we all admit; and a little experience will make it palpable to us that no two men or women display the same identical scale of virtues or vices in their composition. Each has his own weakness, his own strength; in every one there is a place of least resistance. Children, long before they can observe, and in matters beyond the possibility of imitation, reveal the most decided tendencies, often to mischief, and not seldom to what would be immoral if they could recognize it as such. When the brain is further developed and education by enforced example (the only effective training) has begun to tell upon them, in many these vestiges of the brute disappear. But in a certain number they do not; they survive, and the passage from childhood to adolescence gives them a power, a cunning, and a ferocity out of which spring the crimes that mark those perilous years between 15 and 30. When the family life is made accessible to young people at this age, and they marry and settle down, once more some large proportion of them will have "sown their wild oats," and do not meditate a second season. But others cannot settle down; they live by impulse, excitement and the indulgence of

appetite. Moral government is wanting in them; they contribute nothing to society but trouble; they are unconquerably selfish; their views lie within the compass of their five senses; and they form a class the *differentia* of which is mal-adaptation to the order of the world. Yet, according to their physique and intelligence will be their method of fighting against it. The dull but powerful athlete will try force; the weak but cunning parasite will attempt fraud. The sensual pleasure-seeker, deranged by his vicious habits, will, as opportunity is given, make employment of one or the other. But in every instance of habitual crime, it is not unreasonable to suppose a twist or defect in the organism, and to search for it with the aid of science. We may construct a plan, as Lombroso sketches it, and resume under some universal term like epilepsy, the different species of violence or deceit, beginning with the manifest victim of disease or insanity whose acts have conducted him to prison and thence to Broadmoor, to be detained "during Her Majesty's pleasure." Then we arrive at the delinquent who seems not to be insane, but who, upon examination, is found to have those characteristic signs, physical and mental, whereby he stands aloof from the average man. Now come two other classes, which comprise a majority of the accused and sentenced, those who fall into crime upon occasion, but are not recidives, and those in whom a sudden but adequately justified passion has led to deeds of which they repent as soon as they are done. Shall we explain these, also, by epilepsy? Lombroso endeavors to make out that conclusion; not, as I think, on grounds which will persuade the cautious, nor by arguments of the large and cumulative strength we require in a matter so perplexing. If, however, it can be supposed that in habitual and incorrigible offenders there is a fund of disease—and I know not of any Catholic principle which forbids our thinking so,—the duty at once arises of an investigation into present systems of trial and punishment, so that we may discover how many should be placed in this description, and what means are most suitable to protect society against delinquents, as well as delinquents against their own evil

nature and propensities. That will be the subject of my last article; but I would desire to be looked upon throughout as speaking under correction, and as a reporter, but not necessarily an advocate, of the views I am expounding.

WILLIAM BARRY.

Dorchester, England.

HISTORY AT CORNELL UNIVERSITY: SOME CANONS OF CRITICISM FOR DR. WHITE'S LEGENDS.[1]

THE interesting author who has afforded us so much entertainment recently with his Warfare betwixt Science and Theology, has also taken us into his confidence. He informs us that he is reserving and nourishing several pious intentions. One is that of writing more at large on St. Francis Xavier. He says: "I have compared, for a more extended discussion of this subject hereafter, a very great number of editions of these and other biographies of the Saint, with speeches at the canonization, the bull of Gregory XV., various books of devotion, and a multitude of special writings, including a large mass of material in the Royal Library at Munich and in the British Museum," etc. And then he speaks of "the pious crab."[2] Another intention of his he confidentially makes known to us, while careering on his fourteenth round, under the bulletin: "From Fetich to Hygiene." He says: "In another series of chapters on the Warfare of *Humanity with Theology*, I hope to go more fully into the subject."[3]

1 See the preceding number for August, p. 184: "Dr. White's Evolution: The Genesis and Structure of his Legend."

2 Dr. A. D. White's "Warfare of Science with Theology," vol. ii., p. 21, note.

3 Ibid., ch. 14, p. 78, note.

We are thankful to the gentleman for his expansive confidence; and we enter fully into his intentions. To show our appreciation, we feel that we should help with our advice. Indeed, as we too belong to Humanity, we might almost venture to think that we have a right to a word. For we live under a representative form of government, and not under a Napoleonic autocracy dominated by Dr. A. D. White. Candidly, we never did like Napoleon. But somehow we like the autocracy of Dr. White still less. For Napoleon, with all his campaigning proclivities, was still a man of several ideas. Dr. White has only one. And, possessed with that peculiar fanaticism which harasses the man of one idea, now that he has discharged his idea at "Theology" from one side—a side, which for some private reason not yet explained he has called "Science"—he threatens another discharge of his very peculiar idea from another side, which, for a reason similarly abstruse, he is going to call "Humanity."

Our advice, which we feel constrained to give, will take its direction, not towards Humanity, nor Science, nor Theology, but towards Dr. Andrew Dickson White; and the direction whence it comes is from what is commonly called "History." We mean history, not legends. And we shall propound it in four canons, duly approved by higher criticism. And, lest it should be too general if only put into formulas, we shall reinforce it with particular instances. These we shall take exclusively from the Evolution of Dr. White's Legend on St. Francis Xavier's miracles.

§1.

We would respectfully submit to the ex-historian of Cornell University these four principles of historical criticism: First, never to make an assumption without first seeing where it will land him; or else he may have to discard it, before he has finished his lucubration. Secondly, scrupulously to correct an evident falsity when once it is pointed out to him; or else, from a falsity, it will evolve into a falsehood. Thirdly, never to quote an author in any language whatever,

not only a dead one like Latin, but neither a living one like French, for what that author does not contain. Fourthly, to be very willing to look palpable evidence in the face without flinching or even wincing; we would even recommend an exhibition of cordiality to such an honest visitor as palpable and manifest evidence. At all events, if cordiality is too much to expect of human nature when under the high tension of a solitary and lonely idea, we would strongly urge the practice of respectful toleration. All this advice would be quite superfluous in the province of real history; but it is not so in the literature of legendary evolution. And we propose to show by instances the practical value of our remarks.

First, the author makes a couple of assumptions to build up his legend about St. Francis Xavier: first, that no biographer finds at any time sources of information which a preceding writer did not use; secondly, and this is the complement of the former, that such subsequent biographer is building up his history only on the published books of those who went before him. Dr. White does not state that he makes these assumptions. It is not necessary that he should, for they constitute the whole skeleton of his legend.

Now, both of these assumptions he has to discard when he is endeavoring to guard some flank or other or to win some advantage. He discards the first when desiring to make capital out of Bouhours; for he says: "Bouhours, writing ninety years after Tursellinus, could not have had access to any new sources. Xavier had been dead one hundred and thirty years, and of course all the natives upon whom he had wrought his miracles, and their children and grandchildren, were gone;" etc.[1] This criterion the author introduces, for the first time, at a point one hundred and thirty years after Xavier's death; therefore we infer that, according to the Doctor's idea, it would have been possible for earlier writers to have had access to new sources. Exactly. Then, what becomes of the evolutionary legend founded on the

1 P. 17.

contrary assumption? Moreover, Bouhours did not live one hundred and thirty years after the processes of canonization; they were only sixty years before, not to mention the facts and miracles concerning Xavier, which were altogether new and were contemporary even with Bouhours. The records of the canonization proceedings could have become public property only within sixty years before; therefore, thirty years after Tursellini. Hence Bouhours had all this mine of eye-witness and ear-witness contemporary with Xavier, all made public property when Tursellini could not use it. What then becomes of the entire upper story of the legendary edifice which is constructed out of Bouhours exclusively, as compared with Tursellini, and with those who were earlier still?

This shows that the Doctor should not have made the other complementary assumption; which is that every biographer builds exclusively on his predecessors. The gentleman himself discards this several times. First, speaking of Tursellini's Life of Xavier, published in 1594, he says that in this Life the biographer "appears to have made the first large use of the information collected by the Portuguese viceroy and the more zealous brethren."[1] Therefore, Tursellini did not build on Maffei; and yet the two are contrasted, as showing the evolution of legend. Secondly, speaking of the resurrection wrought by Xavier, the Doctor says that, in various authors, "the story wavers between one and two cases; finally, in the time of Tursellinus, four cases had been developed."[2] If then the story "wavered," they were not following one another. Again he goes on to say: "In 1622, at the canonization proceedings, three were mentioned."[3] Now the canonization proceedings came nearly thirty years after Tursellini. Hence they certainly were not following the biographers merely; for, instead of Tursellini's four, they include, as mentioned, only three.—That is enough for the Doctor; and the entire skeleton of his legend is discarded by himself.

1 P. 14. 2 P. 17. 3 Ibid.

But it is not enough for us. What does the Doctor know about the canonization proceedings? He has evidently never seen them. He means Cardinal Del Monte's speech, or the Bull of Canonization. But, in these two documents, only a "selection" was made, as both of them expressly say. The Doctor would seem to imply, that only three were to be had; for he says, as against Tursellini's four, only "three were mentioned." But, three pages earlier he himself had said, they were only a selection: Cardinal Del Monte, says he, "selects out ten great miracles," among which are the dead "raised in various places"; that is, miracles 2, 3 and 5, of the ten wrought by Xavier during his lifetime. What does the Doctor mean by all this "wavering" line of logic? Does he know what he is driving at? His general assumptions he discards; and then he discards the particular assumptions, with which he tries to prove them.

§ 2.

The second canon of criticism which we respectfully submit to him is, that he should correct an evident falsity when once it is pointed out to him; or else, from a falsity, it will evolve, after Darwinian fashion, into a falsehood;—we might even add a greater inconvenience still: or else the falsehood will be driven home.

The Doctor had said, in his first edition, that the Jesuit Father Maffei, in the year 1588, published his *History of India*, but, "though he gave a biography of Xavier which shows fervent admiration for his subject, he dwelt very lightly on the alleged miracles." Here in the new edition, to give all the piquancy possible to the falsity he is reiterating, he pins in a special sentence: "But the evolution of miraculous legends still went on." Then, resuming the first edition, he goes on: "Six years later, in 1594, Father Tursellinus published his *Life of Xavier;*" and, after stating that here there was "a vast increase in the number of miracles over those given by all sources together up to that time," he finds it necessary for his legend to say, only two pages further on:

Miracles few and small in Tursellinus became many and great in Bouhours."[1]

Now all this would serve to illustrate our previous canon of criticism, how he assumes, and then drops his assumptions, and has need of a more tenacious memory than he seems to have been gifted with by nature. But we take the passages up as exemplifying our second canon.

We devoted three pages to showing him textually from these authors, that they precisely contradicted him.[2] First, Maffei wrote no biography of Xavier, when he wrote a History of India ; nevertheless, having followed the progress of Xavier in the course of his History of India, the historian closes the episode in these terms : "Others recounted his infallible predictions and miracles—many more, indeed, than we have touched upon, hurrying on, as we have done, to fulfill another purpose."[3] But Maffei, coming only thirty-six years after Xavier's death, the classic period assigned to Dr. White by his original, Dr. Douglas, Bishop of Salisbury, pertains to the groundwork of the legendary theory, the negative basis of "silence" regarding Xavier's miracles. And therefore Maffei must remain. And he does remain, still pilloried to the falsehood on page 14 of Dr. White's new edition.

Secondly, with regard to the "miracles few and small in Tursellinus," we took the very special pains of designating chapter and verse in the Doctor's Tursellini, and showing him recorded there "fifty-one distinct miracles and prophecies, besides summaries of others, all before Xavier's death." We added : "In the following chapter, he recounts nine distinct prodigies, besides summaries of others, all after death. Among the prodigies distinctly recorded by Tursellini are most of those subsequently chosen by the court of Rome for juridical examination, on which to base the process of canonization." Further, we called the Doctor's attention to the *Praefatio ad Lectorem* in Tursellini's edition of 1596, where

1 *The Popular Science Monthly*, May, 1891, pp. 6–7 ; White's "Warfare," etc., vol. ii., pp. 14 and 16.

2 *The Catholic World*, Sept., 1891, pp. 839–842.

3 Lib. xv., p. 668, Edit. Cadoni, 1614.

the author tells of the new acquisitions he has made since his edition of two years before: "a part of Xavier's history, as narrated by those who at the time were in China or Japan." And, to make the Doctor feel quite at home henceforth with his Tursellini, although at the cost of having to turn his legend out of doors, we refreshed his critical sense with the passage at the beginning of Tursellini's sixth book, where a whole chapter is devoted to the question of "the authentic character of the records, the sworn testimonies, the access he has had to them, and other points regarding testimony, truth and fidelity, which it would be quite in harmony with the interests of science to bring before the notice of popular writers to-day, of *vulgarisateurs* in magazines, if only they thought it worth their while to regard such indifferent matters." But, we added, "probably they will not." And our surmise has proved true. We recognize, indeed, that Maffei and Tursellini had to remain, if the Doctor's legend was not to go. Still we must repeat our canon of historical criticism, and, putting it under another form, say to the gentleman, that the end does not justify the means, even in so trifling a matter as conveying the truth.

§ 3

Our third canon is, never to quote an author for what he does not say—not only if he be a Jesuit writing in Latin, but not even if he be an infidel writing in French.

To satisfy the Doctor's peremptory demand for contemporary testimony, we presented a page and a half of contemporary witnesses for Xavier's Gift of Tongues. The summary contained some nine depositions, beside "several others" for a specific point. It is, says Father Coleridge, the "short epitome of the argument, as summarily presented by the Auditors of the Rota in their chapter on this subject."[1] As to the ingenious objections raised by the Doctor in his former edition, which have now become inepitudes in his present

1 *Life and Letters of St. Francis Xavier*, by Rev. J. H. Coleridge, S. J., vol. i., book ii., ch. ii., p. 173, edit. of 1886.

repetition, we pointed out the exact legal state of the question, and how his very original difficulties were now almost three centuries old! The "devil's advocate" had thought them out, and brought them up against St. Francis Xavier's cause. But we quoted Benedict XIV., telling how Cardinal Gotti had "vigorously" laid the "devil's advocate" low. Dreadful men are those "devil's advocates" in Rome, men of wit, ability and genius; and they can not only detect the remotest shadow of an objection to be made, but they have the ability also to see when it is answered. To pique the ambition of our advocate, who "writes in a boat on the Nile or on an Atlantic steamer," in order that he too might rise to the splendor of a similar performance, we said, with a mischievous little flourish, after giving the contemporary evidence for Xavier's Gift of Tongues: "We may presume that this little specimen of evidence is enough to exercise the acumen of any legal expert."[1]

Dr. White was piqued. So he did three things. First, he left everything just as it stood. Secondly, he found a new argument in Joseph Acosta. Thirdly, as there were all the juridical processes of canonization on the subject, he went over to his little note on Alfred Maury, and "the worthlessness of the testimony to miracles presented during the canonization proceedings at Rome," and he added this significant little etiquette: "pp. 4–7," to his citation from "Maury, *Légendes Pieuses.*"[2] Hence we observed before that, besides Dr. White and Pascal, we have Maury on our hands—three entire pages!

We owe Dr. White much. Possibly, the obligation is reciprocal, and he owes us something. But among our obligations to him, we are happy to signalize this little revelation of where he picked up his singular theory about St. Francis Xavier's miracles. The mad idea is Maury's! It may be that of a dozen other mad infidels; but clearly

1 *The Catholic World*, Oct., 1891: "Dr. A. D. White on St. Francis Xavier's Gift of Tongues;" pp. 28-32.

2 White's "*Warfare*," etc., ibid. p. 25.

Maury is one of them. And our Cornell ex-historian has picked up his idea there!

But, first, let us despatch Joseph Acosta. This missionary, writing in Peru, 12,000 miles away from the scene of St. Francis Xavier's recent labors, had heard so much of the Saint's feats in dealing with nations of a hundred different languages, that, speaking of what can be done in overcoming the difficulties of language, if only there is "an ardent love for Christ, if there is industry, and if labor supplies what is wanting to nature," he gives expression to his West Indian sentiments on what he has heard of the East Indies, and says: "In this matter, there is the admirable example of Father Francis Xavier, who devoted himself with such zeal and toil to learning the Malabar tongue, and so much again in learning the Japanese and others widely different from one another, that, if he had been endowed with the apostolic gift of tongues, he could not have spread the name of Christ with more glory in such a vast region of the world."[1] With the habitual reserve of all the contemporary Jesuits, who were too cautious as learned men to make pronouncements until they were certain of their subject, and too wise as Catholics to prejudice the great missionary's standing at Rome by hasty and indiscreet assertions, this far-off missionary just used what he knew and no more. It remained for the courts to place the investigation on the double legal basis, which Benedict XIV. fixes so precisely for the question of the Gift of Tongues, and which he illustrates by the case of St. Francis Xavier.[2] The double basis is: first, the impossibility of the person's having learnt the languages in any natural way; secondly, that, in spite of his not having learnt them by any human means, he certainly showed himself skilled in them, so as to use them on occa-

1 Jos. Acosta, *De Natura Novi Orbis*, etc., lib. i., cap. ix., p. 156. Cologne edition, MDXCVI.—We have treated the whole question of Jos. Acosta in our previous article on "Dr. A. D. White's Legend about St. Francis Xavier:" see this REVIEW for July, 1897.

2 *Benedict XIV., on Heroic Virtue*, vol. iii., p. 226–7; New York and London, Oratorian Series, 1852.

sion. As we have discussed all this matter before, we do not pause upon it again here.[1]

Now we come to Dr. White's brilliant and original argument, that of the "devil's advocate" three centuries ago. He rehearses statements regarding Xavier's Gift of Tongues from the biographers, who, he takes care not to observe, founded their statements on the juridical processes. He says they are all "directly contradicted" by the "plain statements of Xavier himself, and various incidental testimonies in the letters of his associates." Our readers will be amused on hearing, or reading for themselves in Dr. White's book,[2] that "the plain statements of Xavier himself" consist in "constantly dwelling upon his difficulties with the various languages of the different tribes among whom he went." In other words, the preliminary condition for receiving the Gift of Tongues and exercising it upon occasion disproves, according to Dr. White's logic, that he ever received the gift, which was called for by his helpless condition; and the existence of which was proved, generically, by what he actually performed in ten years, and, specifically, by the whole series of ear-witnesses! This is what is called logically an *ignoratio elenchi*, slipping the question, or not understanding what he is talking about. As to "associates," whose "testimonies" he cites, he cites none of them, nor their testimonies; unless he calls Tursellini, who wrote forty-two years after Xavier's death, "an associate." In this case his "wavering" idea of "contemporary" is very liberal indeed, more so than we had extracted from the Doctor on a former occasion. Now he comes to Acosta.

He says: All this is "directly contradicted," by "the explicit declaration of Father Joseph Acosta. The latter historian dwells especially on the labor which Xavier was obliged to bestow on the study of the Japanese and other languages"—of course, Acosta dwells on nothing of the kind, as we have just seen in the quotation—"and," continues Dr. White, "[Acosta] says, 'Even if he had been

1 *The Catholic World*, as above. 2 P. 19.

endowed with the apostolic gift of tongues, he could not have spread more widely the glory of Christ.'" [1]

Is that all? Not another word! But, the "explicit declaration?" Not a word! He has finished with the Gift of Tongues. Is this another "express acknowledgment" from "silence," like that of Dr. Douglas' and Dr. White's on St. Francis Xavier's miracles? Not another word! Yes, he goes on: "It is hardly necessary to attribute to the orators and biographers generally a conscious attempt to deceive." Exactly, Doctor! It is hardly necessary to attribute to you the conscious effort to deceive. The reader can do his part without any attributions from us.

Meanwhile, there was weighing all the time upon the Doctor's genial bosom that dead weight of legal proceedings at Rome, whereof we had given him a pretty full account. He had not touched the question any more in the new edition than in the old one; but, to punish us for the bad temper we betrayed in a moment of pardonable excitement, he completed his little bit of a note, by giving the exact paging of Alfred Maury, "pages 4–7." So, with a heavy heart, we open Maury.[2]

This new acquaintance, from the *côterie* of the ex-historian of Cornell University, is a Voltairian infidel, a light-minded rationalist, whose heroes are "in England, Locke; in France, the whole school of Voltaire; in Germany, Lessing and Kant";[3] and to these he has added himself for the respectful worship of our American ex-historian. He has joined in the merry race of hunting down all the Saints in the Middle Ages, and he undertakes to show a basis of rational "criticism," on which the vast literature of all that

1 White's "*Warfare*," etc. vol., ii., p. 21.

2 *Essai sur les Légendes Pieuses du Moyen-Age*, ou examen de ce qu'elles renferment de merveilleux, d'après les connaissances que fournissent de nos jours l'archéologie, la théologie, la philosophie et la physiologie médicale; par L. F. Alfred Maury, membre de la Société royale des antiquaires de France, etc., etc. "Fallit te incautum pietas tua:" Virgile. Paris, 1843, pp. i.–xxiv., 1–305.

3 Introduction, p. xviii.–xix.

is saintly, supernatural and miraculous, may be reduced to something that a man like him can understand.[1] He begins his arduous work with a psychological study: "Let us represent to ourselves now," says the genius, "what was almost always the case at that epoch, a monk composing the life of a saint." Of course, the monk had nothing to go by; he knew nothing; he had only one idea, that of making a Saint! What will be the first edge, by which this idea will enter into execution? It will be by taking "his Divine Master," and copying Him—"a copy so much the more faithful as his enthusiasm was more live or his ignorance of the history of the saint more blank. In part dupe of an illusion, he invested in the colors of the Gospel recital the facts which, as handed him by tradition [regarding the saint to be manufactured], offered traits of resemblance more or less vague with the facts of the Gospel. Such ought to be (*telle devait être*) the fashion of writing the life of a saint, in those times of profound ignorance and darksome piety (*d'ignorance profonde et de ténébreuse piété*"). How can we deny it? he goes on to exclaim; that is the way biographies are made up now! Then he pursues this "first redaction" of the life of a saint, till it evolves into a splendid "legend properly so called; and new traits of resemblance were added between the saint and Christ." —The gentle reader will please observe that we are quoting Alfred Maury, not Dr. White; otherwise he might be misled by the traits of resemblance betwixt one and the other.

Then this rationalistic brain appends a sage note, about something that "adds," says he, "to the verisimilitude of our explanation." Then he goes back to his wise text. He says: "It is difficult otherwise to assign another cause to this curious fact (of the saint's likeness to Christ), than that which we are about to develop." He says he will not be too despotic in imposing his system on his reader, and in this he is a decided improvement on his posterity in the direction of

1 Preface, p iii.

Cornell; and he adds with frank liberality: "We will leave the reader free to discern in the facts, which we will not examine, the possibility of adapting this kind of explanation to their rational criticism," *dans les faits que nous n'examinerons pas!*[1] He examine facts! not he! He is as wise as his American posterity in this very delicate matter of facts. Then he appends a profound note, referring—not to facts—but to some "very good remark of Strauss," *Vie de Jésus*, etc. The blood of the clan is very thick among this tribe of infidels.

But we must pause. We have already reached the end of page 7 in Maury. And Dr. A. D. White referred us to "pages 4-7:" "For some very thoughtful remarks as to the worthlessness of the testimony to miracles presented during the canonization proceedings at Rome, see Maury, *Légendes Pieuses*, pp. 4-7;" and so he rid himself of our importunity on the value of juridical proceedings. There is nothing in Maury's text. In Maury's notes there is in one place the remark, that miracles were one of the conditions of canonization. In another place, he objects to himself "the imposing authority of testimony;" and says that "proofs from testimony are not wanting to attest all the monstrous fables of the life of saints, and yet what reasonable spirit would admit them to-day!" He expects us to believe his own testimony instead. There is a third note, in which he speaks of a *formule d'usage*, a formula of custom employed with regard to a saint newly canonized; that is to say, the affirmation of a saint's having wrought miracles must be considered as "a formula of custom rather than a literal relation of the facts." But where are the "very thoughtful remarks as to the worthlessness of the testimony to miracles presented during the canonization proceedings at Rome," in view of which very thoughtful remarks Dr. White was dispensed from answering us?

There is not a single word. Dr. White has played us an unpleasant trick in giving us his card of introduction to such

1 Maury, ibid., pp. 4-7.

an idiot as Maury. If Maury had made remarks, he was not worth the card or the introduction. Now, that he has none, Dr. Andrew Dickson White, ex-professor of history in Cornell University, ex-minister to Russia, and now returned to his former post as Ambassador to Germany, may take his idiot back with his card, and keep both.

§4.

The fourth and last canon of historical criticism which we will take the trouble of presenting to this historian of the "Warfare of Science with Theology," is to look palpable evidence in the face, without flinching, or even wincing—unless it be that this is expecting too heroic an exercise of virtue from human nature, placed in his position.

We summoned him to look at the standing miracle of Xavier's body, incorrupt at present in the city of Goa, and exhibited every ten years for the inspection of thousands and tens of thousands. He has in his hands, and he quotes, two books which suffice for showing the pertinence and significance of our challenge. One is Emanuel Acosta's collection of Indian letters, which the Doctor has extolled so much, to the exclusion of every other collection. The other is Cardinal Del Monte's speech in 1622, delivered in presence of Pope Gregory XV., from which the Doctor has taken a whole page of his text. Now, from the reverse of folio 90 of the Doctor's copy of Emanuel Acosta, on to folio 93, there is a most interesting account in the letter of Arias Blandonius, dated Goa, 9 Kal. January, 1554, of the double burial, twice in quicklime, to which the body of St. Francis Xavier had been subjected since his death two years before; and of the condition in which the body remained, till its arrival at Goa, in the sixteenth month after the Saint's death.[1] But as this account is too long for us here, we must content ourselves with only the main features of the miracle, as summarily

1 The Dilingen edition of Acosta's *De Japonicis Rebus Epistolarum Libri*, iiii., 1571, as cited by Dr. White, p. 11, note.

traced by Cardinal Del Monte, and put by him in the first place among the "Miracles after Death."[1]

Omitting the incidents, how the Portuguese merchants, happening to be on the island of San Chan, desired to take the Saint's body with them, but, as they did not wish to carry a corpse, buried the body in quicklime; and then, to their astonishment, when it was time to set sail, found the body and clothes alike intact, and even then hesitated; his Eminence states the main circumstances: That the body was buried in the earth in a wooden box, with quicklime; to the end that, all the flesh being consumed, the bones might be carried to India. Four months later the box is dug up, opened, and the lime being removed, the body is found entirely without any sign of corruption, just as if it had been buried then; the color fresh, the flesh supple, the clothing untouched. Lime is again put into the same box and the body is carried to Malacca, where it is found entire as before. Taken to the church of Our Lady on the Mount, the lime is removed, and the body is placed in a new casket. But the new casket was so short, that the remains had to be compressed somewhat and bent, which all at once caused blood to flow from the shoulders. There it lay till the ninth month after death; and when the sepulchre was opened, the body was found to be just as intact after lying in the ground as it had been after lying in quicklime; and the veil, with which the face had been covered, was stained with fresh blood, on account of the weight of earth thrown in and pressed down in the burial. Then it was splendidly laid out in a new casket, adorned with silk and gold, and was carried, first to Cochin, and afterwards to Goa. When the wonderment and devotion of the people had been satisfied to some degree, during three whole days, "as the miracle surpassed belief, an eminent physician by order of the viceroy inspected and examined the body, and found it incorrupt, full of the vital fluids (*succosum*) and supple, with

1 *Relatio facta in Consistorio*, etc. Insulis, 1622, as quoted by us before; p. 42–3.

the intestines entire and solid, whence through a small wound inflicted there issued blood; and there was no sign of balsam having been used, or oil. The remains were now placed in a special sepulchre to the right of the high-altar. Afterwards, the Vicar-General of Goa and the inquisitor general opened the tomb again, experimented on it (*pertentarunt corpus*) twice and thrice; and found all perfectly incorrupt.[1] The Cardinal then passes on to the second of the miracles after death, which accompanied the previous one; it was that of the sweet odor issuing all the while from the remains.

This is the fact to which we had challenged the Doctor's attention. We had not given the particulars, as we did with the Gift of Tongues; but we were emphatic enough. We had spoken of it under the head of "matters of palpable fact before his eyes; as, for instance, that of the body remaining incorrupt to-day at Goa, which fact is recorded in every one of the documents and authors ostentatiously paraded by him—a fact which is a miracle of the first order, alone sufficient to make everything else credible regarding St. Francis Xavier."[2] We had turned round to taunt him again: "Why does he not take account of the contemporary documents regarding the actual miracle going on of St. Francis Xavier's body remaining incorrupt at Goa, subject to inspection and verification?"[3]

In his new edition, the learned Doctor just happens to bethink himself in one place, in a note, of this irrelevant little matter. After flourishing his great edition of Joseph Acosta, and winding up his other accounts from the side of the West Indian missionary, he recovers as from a fit of abstraction, and says in quite a tone of indifference: "Since writing the above, my attention has been called to the alleged miraculous preservation of Xavier's body claimed in sundry letters contemporary with its disinterment at San Chan and reinterment at Goa."[4] This, of course, and as usual, was not what

1 Ibid. 2 *Catholic World*, Sept. 1891, p. 843. 3 Ibid., p. 848.
4 White's "*Warfare*," etc., vol. ii., p. 10, 11, note.

his attention was called to at all: "alleged," "sundry letters," "contemporary." Well, partial though it be, we shall be content with it; for it will show off Dr. White and the fourth canon of our historical criticism. He then spins out an interminable note. He says: "There is no reason why this preservation need in itself be doubted." That is very good; and, remember, after being buried twice in quicklime, and again in the earth, and being found to bleed even at Goa, sixteen months after death! The Doctor is more accessible to evidence than we had given him credit for. But, lo! he continues: "and no reason why it should be counted as miraculous. Such exceptional preservation of bodies has been common enough in all ages, and, alas for the claims of the Church, quite as common of pagans or Protestants as of good Catholics." Rather hard this—and poor quicklime! He goes on: "One of the most famous cases is that of the fair Roman maiden, Julia, daughter of Claudius, over whose exhumation at Rome, in 1485, such ado was made by the sceptical scholars of the Renaissance." Then, after doting on his "fair Roman maiden" for some time, he flies off to Stade, in Hanover, where "in June of the year 1895, there was unearthed the 'perfectly preserved' body of a soldier of the eighth century." He has not verified it, as usual; but he quotes; and we shall see in a moment the unimpeachable authorities of this learned historian, who is punctiliously strung with the nerves of the very highest kind of historical criticism. He says, "he might mention" bodies preserved at Strasburg; cases of "adipoceration" in various American cemeteries, which, he remarks with wonderful discernment, "never grow less wonderful by repetition from mouth to mouth and in the public prints." Then he does condescend to take one look askance at St. Francis Xavier, at the "especial caution" with which evidence should be received; and he flies off incontinently to "the touching fidelity of disciples;" to St. Charles Borromeo at Milan; to St. Augustine in Africa; to a peacock there; to Sir John Mandeville and iron and the Dead Sea; to feathers there; to St. Simon Stylites living on his pillar in Egypt; to Louis Veuillot and the

"parfum de Rome." Then immediately he subjoins: "For the case of Julia, see the contemporary letter . . . ; for the case of Stade (in Hanover), see press dispatch from Berlin in newspapers of June 24, 25, 1895."

All this is overpowering. We would respectfully say to the gentleman: The question is about St. Francis Xavier's body, buried originally twice in quicklime, buried then in the earth, found bleeding and supple two years after, preserved and visible to-day. The question is not about Julia or the African peacock; not merely about three hundred years ago, nor ten hundred years ago; nor about anything reported "in the press dispatch,—see newspapers." Newspapers! The gentleman has forgotten his discreet observation in the self-same note, about stories which "never grow less wonderful by repetition from mouth to mouth and in the public prints!" Newspapers the authority of an ex-historian of Cornell University, amid the blaze of higher criticism at the end of the nineteenth century, when a man will not accept even eye-witness and ear-witness! And what do the newspapers say about using quicklime as a means of preserving bodies, fresh and supple and bleeding? Flying to the "fair Roman maiden Julia" for help—is it not like that other performance of flying to Pascal for help?

We might perhaps be trespassing on the Doctor's classic qualifications and on his patience, if we quoted here another pagan, besides Julia. Martial has something to say about all this. He complains that he has brought a case of three kids, which were stolen from him; and he has committed the case to an advocate; but the advocate, instead of talking about the three kids, flies off to Cannae, to Mithridates and to the African war, to Sylla and to Marius and to Mucius:

Magna voce sonas manuque tota—
Jam dic Postume de tribus capellis!

"With thundering voice and frantic gestures you rant about all these things.—Now say a word, Postumus, about my three little kids, do!"

Hoc judex sibi postulat probari.

"This is what the court is waiting for."

Here then we part company for the while with this work on the Warfare of Science with Theology. We expect confidently that the REVIEW will not forget the pleasant companionship it has enjoyed with so interesting a subject; and that it will take occasion again to cement its friendship by returning with its best compliments, and doing full justice to so new and entertaining an acquaintance.

With the whole genus of the Maurys and other Postumi before our view, we close our part by observing what they are all about. They go their way with their blushing honors thick upon them, with books, big and little, marshalled before them; and they strive, with the best of the powers that are in them, to quench all light of religion from young and unformed minds or from old and ill-formed minds. And they succeed the better in doing so, the more limited and shallow is the fluid inconsistency of learning and ability, which washes their own barrenness. Their blood-money comes in; and they want more of it; and they write more articles or books, with the *auri sacra fames*. They die as they lived, upon a heap of gold; and, as they say they came from a bestial evolution, so they degenerate into a bestial dissolution.

Meanwhile, nothing escapes their touch, which carries defilement with it, like pitch. That Maury, for instance, whom our ex-professor of Cornell mentions with such distinguished regards, cannot keep his foul fingers from soiling with their touch of infamous impurity the holiest persons who have adorned the annals of humanity; nay, in the same breath he conveys his contagion in a direction holier still. The class of men to which he belongs, turning as they do with the adroitness of apostacy to assault the home of their fathers, have a tact for stinging the noblest instincts of our nature with the subtlety and cleverness of the snake in the grass. They can bite, where the dull sense of another class sees nothing special to nip; and who are too ignorant of all religion ever to have been apostate.

This latter class thrives at present in America. It has not the subtler tact of the decomposed European. Hence

the coarse and gross blasphemy, the dull and almost unconscious impiety, which characterize many American publications. But, if American, possibly it is the better adapted to the American propagandism of impiety and vice. Hence, just as if it were the subtler European impiety in Europe, must we regard with no less attention the American product in America.

THOMAS HUGHES, S. J.

Brussels, Belgium.

AMERICAN RELIGIOUS FOUNDATIONS.

(*First Paper.*)

THE CONGREGATION OF ST. PAUL.

THE only religious institute of clerics in the United States that is of American origin is the Congregation of Missionary Priests of St. Paul the Apostle, who are commonly called the Paulist Fathers.

It is American by three titles—it was founded in this country, all its first members were natives, and its primary vocation is apostolic labor for the conversion of the non-Catholic millions in this republic.

The Congregation of St. Paul was brought into existence more directly by arrangements made by Divine Providence than by the deliberate plan of any man or body of men, for both its reputed founder and his earliest associates all belonged to a religious order in which they had vowed to persevere until death, and they had no intention whatsoever

of quitting it when they began the proceedings that ended in their separation from it, and in the organization of the new community.

The establishment of the Paulists came about in this way. The American branch of the Congregation of the Most Holy Redeemer was, at the middle of this century, as it is still, directed by men of German ancestry. In 1857 it had five members of American extraction—Fathers Clarence A. Walworth, Isaac T. Hecker, Augustine F. Hewit, George Deshon and Francis A. Baker, all converts. The question of founding a new house as a headquarters for English-speaking Fathers, as a centre of attraction for American novices, as a base for missionary work for the non-Catholic American people, and as a residence in which English instead of German should be the language in common use, came up for consideration. The four first-named priests favored the project (Father Baker's opinion was not asked as he was but newly ordained), the German-speaking Fathers opposed it. Bishop Bayley and Archbishop Hughes separately made application for such a foundation. The Superiors of the Order both here and in Rome declined to grant the request. It appears that there had been some questioning of the motives of the American Fathers. These, unwilling to be considered disloyal and anxious to elucidate the reasons that in their judgment clamored for the new foundation, resolved that one of their number should visit the Superior General and in person lay the matter before him. The choice fell on Father Hecker. He set sail on August 5, 1857 ; he reached Rome on August 26. This act was construed as a violation of the vows of obedience and poverty, and Father Hecker was dismissed from the Order on August 29.

Although stunned by the blow, Father Hecker did not forsake his purpose. Not chiefly for his personal vindication, but for the sake of his associates, who renewed their declarations of adhesion, and for the sake of the cause that he had come to advocate,he appealed from the decision of the General to the Propaganda. Thence the case was transferred to the

Holy Father, who, having committed the matter to the judgment of the Congregation of Bishops and Regulars, approved their solution advising the seperation of the American Fathers from the Redemptionist Order, with explicit permission indeed to work subject to the local bishops, but with the tacit understanding that they were to continue to live in community and to form a new organization.

At the outset, there had not been any thought of severance from the Redemptorists. The first plan was for the reinstatement of Father Hecker, and the granting of the desires of the other American Fathers through the formation of another Redemptorist body in the United States, as is the case in some countries with other religious communities. Next the suggestion was made to transfer the American priests to the jurisdiction of the Cisalpine (or Neapolitan) branch of the Redemptorists, which was at that time an independent Congregation, and which would gladly have taken them under its care. But as the case dragged along—and it was seven months under adjudication—Father Hecker wrote on October 3 to his comrades:

"I hope God has inspired you with some means of coming to my help. Indeed it is a difficult position, and the best I can do is to throw myself constantly on Divine Providence and be guided by Him. You will remember, and I hope, before this reaches you, will have answered, my proposition in my last note—whether or not you would be willing to form an independent band of missionaries to be devoted to the great wants of the country. I have considered and reconsidered, and prayed and prayed, and, in spite of my fears, this seems to be the direction in which Divine Providence calls us. . . . If you are prepared to move in this direction it would be best, and indeed necessary, not only to write to me your assent, but also a memorial to the Propaganda—to Cardinal Barnabo—stating the interests and wants of religion and of the country, and then petition to be permitted to turn your labors in this direction."

The four to whom he wrote—for on September 26 Father Baker had been informed of what Father Hecker was doing in Rome, and had cast in his lot with his brethren—signed a

joint letter on November 17, in which they stated that they preferred, in case Father Hecker was not reinstated, to be separated from the Redemptorist Order, and to be made "immediately dependent on the Holy See, or the Prefect of the Propaganda, rather than anything else; . . . . . called, for instance, 'Religious Missionaries of the Propaganda,' if the Holy Father would make us such. With the rule of St. Alphonsus, and the same missionary privileges we now enjoy, and our dear Father Hecker among us again, we should feel happy and safe. . . . But we wait for the words of the Holy See to indicate our course."

The idea of an entirely new society "which," as Father Hecker wrote late in December to his associates, "would embody in its life what is good in the American people in the natural order and adapt itself to answer the great wants of our people in the spiritual order," grew upon him and upon them as the weary weeks went by, and when the Holy See finally declined to bind them to the Redemptorist rule, but set them at liberty "to apply themselves to the prosecution of the sacred ministry under the direction of the local bishops," they accepted the decision as the will of God.

The decree was issued on March 6, 1858. After refusing to establish a separate Redemptorist organization, as that would be prejudicial to the unity of the Congregation, it dispensed the five priests from their vows, and expressed the hope that they would labor edifyingly in the vineyard of the Lord. It did not, as is customary before dispensations of vows are granted to religious, require them to show that they would be received into some diocese, because the authorities in Rome expected them, with the approval of some Bishop, to form another institute.

As soon as Father Hecker returned to New York in May, 1858, the five priests began to organize the new community. Father Walworth, not being in entire agreement with the others, withdrew to the diocese of Albany and took charge of a parish; he returned to the Paulists in 1861, and remained with them until his health gave way in 1865; then he retired from the Congregation permanently. Father Hecker

was elected the first superior and he, with the remaining three —Hewit, Deshon, and Baker,—drew up and signed a Programme of Rule. It was approved by Archbishop Hughes on July 7, 1858, with the comment that he found no word to omit, to add, or to improve. The outline adopted an order of spiritual exercises similar to that followed by the Redemptorists. It did not insist upon the making of vows, but accepted instead a voluntary agreement to live according to the evangelical counsels. It named *missions* as the chief work, and parish work as a subordinate feature of the external vocation. It looked forward to the enactment of a complete Rule, which, indeed, was drawn up some twenty years later on the basis of that Programme.

In developing his ideas of the mission of the new society, Father Hecker wrote:

"So far as is compatible with faith and piety, I am for accepting the American civilization, with its usages and customs; leaving aside other reasons, it is the only way by which Catholicity can become the religion of our people. The character and spirit of our people, and their institutions, must find themselves at home in our Church in the way those of other nations have done; and it is on this basis alone that the Catholic religion can make progress in our country.

The form of government of the United States is preferable to Catholics above other forms. It is more favorable than others to the practice of those virtues which are the necessary conditions of the development of the religious life in man. This government leaves men a larger margin for liberty of action, and hence for cooperation with the guidance of the Holy Spirit, than any other government under the sun. With these popular institutions men enjoy greater liberty in working out their true destiny. The Catholic Church will, therefore, flourish all the more in this republican country in proportion as her representatives keep, in their civil life, to the lines of their republicanism.

The two poles of the Paulist character are: *First*, personal perfection. He must respond to the principles of perfection as laid down by spiritual writers. The backbone of a religious community is the desire for personal perfection actuating its members. The

desire for personal perfection is the foundation-stone of a religious community ; when this fails, it crumbles to pieces ; when this ceases to be the dominant desire, the community is tottering. Missionary works, parochial work, etc., are, and must be made, subordinate to personal perfection. These works must be done in view of personal perfection. The main purpose of each Paulist must be the attainment of personal perfection by the practice of those virtues without which it cannot be secured—mortification, self-denial, detachment and the like. By the use of these means the grace of God makes the soul perfect. The perfect soul is one which is guided instinctively by the indwelling Holy Spirit. To attain to this is the end always to be aimed at in the practice of the virtues just named. *Second*, zeal for souls ; to labor for the conversion of the country to the Catholic faith by apostolic work. Parish work is a part, an integral part, of Paulist work, but not its principal or chief work—and parish work should be done so as to form a part of the main aim—the conversion of the non-Catholic people of the country. In this manner we can labor to raise the standard of Catholic life here and throughout the world as a means of the general triumph of the Catholic faith.

I do not think that the principal characteristic of our Fathers and of our life should be poverty, or obedience, or any other special and secondary virtue, or even a cardinal virtue, but zeal for apostolic works. Our vocation is apostolic—conversion of souls to the faith, of sinners to repentance, giving missions, defence of the Christian religion by conferences, lectures, sermons, the pen, the press and the like works; and in the interior, to propagate among men a higher and more spiritual life.

Many other communities lay the main stress on community life as the chief element, giving it control as far as is consistent with fundamental individual right ; the Paulists, on the contrary, give the element of individuality the first place and put it in control as far as is consistent with the common life.

A Paulist, seeing that he has so much individuality, should have a strong, nay, a very strong, attrait for community life ; he should be fond of the Fathers' company, prefer them and their society when seeking proper recreation, feel the house to be his *home* and the community and its surroundings very dear to him ; in the routine of the day all the community exercises and labors are, in his judgment, of paramount obligation and importance."

The religious vows, which were not definitely rejected at the beginning of the Congregation's career, were finally laid aside for the voluntary agreement. Concerning this decision Father Walter Elliott, in his admirable biography of the Founder, says:

"It never entered into the minds of the Fathers to question the doctrine and practice of the Church concerning vows. But personal experience proves the lesson of history—that what religion needs is not so much holy states of life as holy men and women. . . . Father Hecker did not dream that by relinquishing the vows he and his companions in the Paulist community had cast away a single incentive to virtue capable of moving such men as they or had even failed to secure any of the insignia adorning the great host of men and women in the Catholic Church whose entire being has been given up to the divine service. 'The true Paulist,' said he once, 'should be fit and ready to take the solemn vows at any moment.' . . . Neither Father Hecker nor any of his associates had the least aversion to the vows. On the contrary, they had lived contentedly under them for many of their most active years and it will be remembered of Father Hecker that he never found them irksome, had never known a temptation against them. The question which arose was a choice between two kinds of community —the one fast-bound by external obligations to the Church in the form of vows, placing the members in a relation of peculiar strictness to the Canon Law; or other kind, in which the members trusted wholly to the strength of Divine grace and their own conscious purpose never to give up the fight for perfection; which of these states would better facilitate the action of the Holy Spirit in the present Providence of God; and which of them would tend to produce a type of character fitted to evangelize a nation of independent and self-reliant men and women? The free community was chosen. . . . What has been said in this chapter, besides serving to exhibit Father Hecker's principles as a founder, will be, we trust, a sufficient answer to the silly delusion which the Paulists have encountered in some quarters—that their society tolerates a soft life and supposes in its members no high vocation to perfection; or that the voluntary principle allows them a personal choice in regard to the devotional exercises, permitting them to attend or not to attend this or that meditation or devotion laid down in the

Rule, as 'the spirit moves them.' This is as plain an error as another one which had much currency for years and which is not yet everywhere corrected—that the Paulist community was open to converts alone and received none others."

Hardly was the new society organized than it was set to work. Homeless as it was it planned a season's campaign of missions, its members living where they could, even for a time in an ordinary boarding-house, during the temporary pauses in their apostolic labors. It also began the task of forming a new parish. A welcome had been offered to it in half a dozen dioceses, but it clung to New York. Its firm supporter, Archbishop Hughes, gave it a location. The four priests began to quest for funds. Personal friends, of whom the chief and most generous was Mr. George Hecker, the brother of the superior, himself also a convert, made the first contributions; then collections were taken up in some of the nearby places in which the Fathers had given missions, especially in the down-town parishes of New York; next circulars were sent broadcast to the clergy and the earliest response of encouragement, together with a handsome donation, came from the Jesuit rector of Georgetown College. A payment was made on some of the lots of their present headquarters at Fifty-ninth street and Ninth avenue, which was then in a suburban wilderness, among unopened streets, market gardens, and clusters of cabins perched picturesquely on masses of rock. Father Hecker called his territory "shantyopolis." The corner-stone of the church and convent was laid by the Most Rev. Archbishop on Trinity Sunday, June 19, 1859. The house was completed and blessed on November 24 of that same year, and the chapel was dedicated on the following Sunday. The Paulists were then constitutionally and materially established.

The activity of the Paulist Fathers in the fulfilment of their external vocation has radiated chiefly in eight directions:

1. In the preaching of missions. When only three priests of the nascent Institute could be spared for this work, they went up and down this country and Canada, and from 1858

to 1865, when Father Baker's death temporarily suspended these apostolic operations, they preached eighty-one missions, delivered uncounted lectures and special sermons, and received into the Church hundreds and hundreds of converts. As soon as new recruits were enlisted under their standard—and the first of these was Father Robert B. Tillotson, who joined them in the autumn of 1859, and the next was Father Alfred Young, who came to them from the diocese of Newark—they utilized them to push this work. From 1870, when it was regularly resumed, up to the present time, they have given very close to one thousand missions in all parts of the country and only God knows the number of the converts that they have been the means of leading to the truth.

2. In zeal for the house of God. Their church soon became noted for the attention paid in it to the public offices of religion, for rubrical exactness in ceremonies, and for the splendor of its decoration on the occasions of great feasts.

3. In the reform of church music. They early introduced into their church the Gregorian chant; they have trained choirs of boys and men; they have promoted congregational singing; and they have published books of hymns, Masses, etc., for the spread of devotional music.

4. In opposition to intemperance and the liquor traffic. They have carried on an unrelenting warfare against the drink habit, the custom of treating and the saloon. Their propaganda in favor of sobriety has been exerted through sermons, through tracts, through letters to the public press, through articles in their own publications, through petitions to the Legislature, through action at the polls, through persuasion made to rum-sellers to forsake the dangerous business, through advice given in the confessional, and through the formation of total abstinence societies, and through the establishment of the Temperance Publication Bureau with its periodical called *Temperance Truth*. This persistent, Briarean, powerful and enthusiastic opposition of theirs to one of the most ravenous occasions of sin prevalent in our country and our people, fostered esteem for the cardinal virtue of temperance, edified our Puritanical neighbors,

strengthened the cause of total abstinence, and smoothed the way for part of the legislation and of the pastoral letter of the last Plenary Council of Baltimore. It was also like a courier heralding the coming of the letter of approval by the Holy See of the Catholic Total Abstinence Union of America.

5. In the elevation of sermonic standards and literature. The Paulists have put forward their best orators to preach the sermon at the High Mass in their church on Sundays, and these preachers have been directed to make a thorough preparation for the task. The result has been that crowds, Catholics and Protestants, from within the parish and from outside it, have flocked to their pulpit every Sunday, sure of hearing an earnest sermon painstakingly delivered.

Beginning with 1861, a volume of the Paulist sermons was printed every year for seven years, and some time later three volumes of the famous *Five-Minute Sermons for Early Masses* were sent out from the press.

6. In the apostolate of the press. This was the great hope of Father Hecker. He saw that where a speaker could address his thousands, a writer could lay his argument before millions, and that where a priest would not be allowed to enter or be listened to, a leaflet or a book would be read through. So even while he was yet a Redemptorist he wrote two treatises—*Questions of the Soul*, and *Aspirations of Nature*,—to give his reasons for his faith to his non-Catholic brethren. He early began to use the printing-press, therefore, in the interests of religion, for the Congregation was as yet hardly three years in existence when the first collection of Paulist sermons was issued in book form. He even planned for an associate Congregation of women to co-operate with the priests in many ways, but principally in the apostolate of the printed word.

The Fathers started the *Catholic World* magazine in April, 1865, which has been a great, respected and influential representative of Catholic doctrine and rights before the American people.

They organized the Catholic Publication Society in 1866. They designed it as a missionary enterprise to publish works

for the instruction of Catholics and the enlightenment of non-Catholics, at cost or even less, to be scattered like leaves in winter over the whole country. They induced the Second Plenary Council to adopt the Society and to pass a decree directing the Bishops to establish branches of it and to take up a collection for it annually or make other suitable provision for its development. It did produce tracts, pamphlets and books of great service to the cause of religion, of which millions of copies have been disseminated among the people, but not receiving the support that had been anticipated for it, it was turned over entirely to lay management and a year or two ago it finally collapsed. But out of its ruins has arisen the Catholic Book Exchange, which is doing the same work on a purely missionary basis.

They founded *The Young Catholic* in 1870, an illustrated bi-weekly, which was intended to do for the children what the Paulist magazine was effecting on a larger scale for the parents. It was the first of its kind in the United States and has held its own up to the present day, even in competition with a half dozen welcome rivals in its chosen field.

They projected the establishment of a first-class Catholic daily newspaper. In 1871 a prominent journal in New York, a member of the Associated Press, could have been bought for $300,000. Father Hecker was eager for its purchase. He and his associates had secured more than half the price of it when his health broke down and the scheme was abandoned.

They inaugurated a publishing department of their own in 1892. They have a large printing office, with editorial room, composing room, press room, stock room, bookstore, etc., at 120 West Sixtieth Street, in New York City. There they get out their magazine, their young folks' paper, temperance literature, tracts, the calendars that are for free distribution in churches, the *Missionary* (of which more will be said later), and a growing list of two dozen volumes—of biography, sermons, doctrinal works, etc.

7. In preaching of missions to non-Catholics. This work, which is most in accordance with their distinctive vocation

—for it was a saying of Father Hecker's: "I would help Catholics with my left hand but Protestants with my right hand,"—was begun in the diocese of Detroit, with the approbation of Bishop Foley, in September, 1893. Eight missions were preached in Michigan in nine months, mostly in public halls, which were largely attended by non-Catholics, removed myriads of prejudices, and brought about a number of conversions. They were accompanied with the free distribution of leaflets and books.

In 1894–5, a similar apostolic campaign was carried on in the diocese of Cleveland, with even better attendance of non-Catholics, more converts, and a larger use of literature. Moreover, a band of three diocesan priests was set apart by Bishop Horstmann to carry on this special work throughout the diocese.

In 1895–96 a like crusade to non-Catholics was preached in the diocese of Pittsburgh. The movement was greatly aided by the receipt of a letter of approval from the Holy See. Although that region is notorious as a hotbed of bigotry, many conversions were made. So needed and so fruitful was the mission that Bishop Phelan appointed two of his devoted priests to continue it indefinitely.

Since then diocesan missionaries to preach the faith to non-Catholics have been set at work by the Bishops in the dioceses of New York, Grand Rapids, Baltimore, Wilmington, Charleston, Brooklyn, Richmond, Wheeling, Kansas City, Dallas, Galveston, and San Francisco, and the Vicariate of North Carolina.

8. Finally, in the publication of *The Missionary* and in the formation of the Catholic Missionary Union.

The Missionary is a 16-page, illustrated quarterly, started in March, 1896, and designed to arouse zeal for conversions and to raise money for missionary expenses. Its price is one dollar a year. Its success has been wonderful. It has stirred up wide-spread enthusiasm for the conversion of America, and it has already brought in sufficient funds for the support of six missionaries in those parts of the country, especially West and South, in which the Catholics are

too few and too poor to supply the cost of missions to their neighbors.

The Catholic Missionary Union supports missionaries who are engaged in giving missions to non-Catholics. It announces that $500 will support a missionary priest for a year; that $100 will supply him with missionary literature; that $25 will pay the expense of a week's mission; and that $10 will hire a hall. Its membership is composed of persons who make an annual donation to its funds, or who become simply subscribers to *The Missionary;* of those who, through promoters, agree to give ten cents a month to the good cause; and of children in Sunday schools, etc., who contribute five cents a month to the same evangelistic work.

The task of the conversion of America is too huge for the Paulists alone. They are, as yet, only thirty-five men, while the non-Catholics in this republic alone, not to speak of British America, number about fifty-eight millions. They can only apply themselves to the undertaking with almost single-minded devotedness. They expect to co-operate with their brethren of the priesthood, to be used as pioneers or as a light brigade, content themselves to clear the thickets of prejudice and to break up the prairie clods of ignorance, leaving to others to reap the harvest. They seek to labor in conjunction chiefly with the diocesan clergy, as being more numerous, more widely distributed, more permanent in residence, better known to the non-Catholic people, and more akin to the Paulists themselves, than are the members of the regular orders. They desire, also, the aid of the laity, who are the relatives, the friends, the neighbors of the Protestant multitude, and who by contributing money, by distributing literature, by advertizing the missions among their acquaintances, and by other means, can mightily promote the movement. They have even considered the advisability of employing some of these as lecturers, having reasons to believe that, with proper safeguards, some educated lay gentlemen could serve religion in this way with eminent success.

The Paulists now have a church, pastoral residence, novitiate, parochial school and publishing house in New York

City; a house of studies at the Catholic University near Washington; and a church and residence in San Francisco, that was entrusted to them by Archbishop Riordan in 1895, and at which are stationed five Fathers.

They number at present thirty-five Fathers, twenty-one students and fifteen postulants.

Their superior, up to his death in last July, was the Very Rev. A. F. Hewit, D.D., the son of a Congregationalist minister, who came from Calvinism *via* Episcopalianism to the Catholic Church; who was trained in the religious life by the pious Redemptorist Order; who held up the arms of Father Hecker from the day that the latter first set out for Rome until the Congregation of St. Paul was founded; who had the same spirit and the same views as that Providential man, and who became his successor after his demise, in 1888.

The Paulist Congregation is not stagnant. Not in purpose, in numbers, nor in good works, is it quiescent. It is steadily moving forward, according to its means, its opportunities, and the coöperation of the rest of the Church in the United States, towards the consummation of its apostolic vocation—the conversion of non-Catholic America.

ST. JOHN'S SEMINARY.

(Collegeville, Minnesota.)

FIFTY years ago Minnesota ceased to be a wilderness. Its bountiful resources invited settlement, and in a short time towns sprang up with a marvelous rapidity. Energetic settlers from the East busily set about developing the latent wealth of the North Star State; there was a considerable inflow from the border provinces of Canada, and, above all, a powerful stream of immigrants from various parts of Europe, particularly from Germany. The principal settlements were founded along the chief water-courses, while a great number of those who were either disinclined, or who lacked the resources to locate in cities and towns, plunged into the forests or scattered over the promising prairies of the extensive territory.

By far the greater part of the population were Catholics. Here, then, was a new missionary field presenting rich prospects, but great difficulties. The settlements were far apart, and the life of the missionary was indeed fraught with sacrifices. Besides the white settlers, there were several Indian tribes whose spiritual interests needed attention.

As early as 1842, the venerable Father—now Monsignor—Ravoux visited the southern portion of the State in behalf of the Indians, and the services of the apostolic Father Gaultier, who left Minnesota in 1844, fill an illustrious page in the history of the pioneer period of the State. The growth of population necessitated a supply of priests to minister to the spiritual wants of the congregations so widely scattered—from the St. Croix to the Red river, and from Iowa to Manitoba.

In 1851 the diocese of St. Paul received its first Bishop in the person of Mgr. Joseph Cretin, who brought with him two priests from Europe. During his administration the tide of immigration was at its height. A great number of immigrants, mostly Germans, came to settle in the central section of the State, in the district of which Stearns county forms a part. It now became the duty of the Bishop to provide a

sufficient number of priests; and since the settlers were almost exclusively Germans, he deemed it prudent to secure priests who could speak their language.

But a few years before this time the Benedictines had made a home in Pennsylvania. Early in 1856 Bishop Cretin cordially and urgently invited the superior, Abbot Boniface Wimmer, to extend the field of his activity to the West. The invitation was duly considered at St. Vincent's, and in April of the same year the late Father Demetrius Marogna, O.S.B., accompanied by two seminarians, set out for the new country, arriving at St. Paul, May 2. Later in the month, the missionaries departed northward to take possession of the place for which they had originally been destined—Sauk Rapids, one of the earliest settlements in the State.

Subsequently they settled near St. Cloud, on the western banks of the Mississippi, and made this point the basis of operations. Their existence was now assured, for the Bishop of St. Paul wrote late in 1856, while the bill petitioning for a charter for St. John's Seminary was pending in the Territorial Legislature: "I wish very much that the Rt. Rev. Abbot of the Benedictines in the United States, Mgr. Boniface Wimmer, may establish a monastery of his Order in Stearns county. We shall neglect nothing to ensure the full success of the undertaking." The erection of a college, or seminary, was the first object of Father Demetrius' solicitude. It was necessary to have additional laborers in the vineyard of the Lord; and it was highly expedient that young men of good promise be selected from among the people and prepared for the sacred ministry. Moreover, the perpetuity of the monastic establishment could not be better provided for than by training candidates in the monastery. There were very few seminaries in the Middle and Western States in that day, and St. John's enjoys the distinction of being the pioneer Catholic institution of its kind in the Northwest.

The act of incorporation of St. John's Seminary passed the Territorial Legislature, and was approved by the Go-

vernor on March 6, 1857. Now the members of the community felt themselves firmly established and they set about organizing a college. On November 10 of the same year, the doors of the humble institution were opened to receive students. Five youths from St. Cloud and the neighboring settlements formed the attendance in the classical department during the first year, and one professor superintended their studies.

Owing to some disagreeable litigation in which the St. Cloud property of the Order was involved shortly after, the College was transferred to St. Joseph, but in 1859 it was once more transferred to St. Cloud and was presided over by Father Alexius Roetzer. He was succeeded by Father Anschar Frauendorfer, who retained the office until 1863. During the Indian troubles which distressed the settlers in 1862, classes were entirely suspended.

Under the administration of the first Prior, Father Othmar Wirtz, it was resolved to transfer both monastery and college to what was known as the "Indian Bush," near the present Collegeville station, ten miles west of St. Cloud. A change in the original charter was necessary for this purpose and this was made by an act of the State Legislature, approved February 6, 1864, amending the previous act. By this amendment the Order was authorized "to establish and erect an institution or seminary in Stearns county, to be known by the name and style of St. John's Seminary," whereas the original charter bound the institution to the St. Cloud property.

The contemplated transfer was effected immediately upon the approval of the act. A log building had been erected on a small farm in the Bush by Father Benedict Heindl in 1859, and this all but imposing edifice served as a monastery and college; the latter at that time boasted twenty students. How they were all comfortably domiciled in those limited quarters is a mystery and a source of wonder to those whom the complete accommodations of the present day can hardly satisfy. Father Wolfgang Northman († 1876) was President at this period.

The administration of Prior Othmar terminated in 1865; he was succeeded by Prior Benedict Heindl, who determined to remove the establishment to its present location, on the shores of one of the most picturesque lakes in these regions. A stone building, 46 by 50, was erected in 1866; the corner stone was laid by the late Bishop Thomas L. Grace, of St. Paul, on July 28 of the same year. If any regret over the change of location from St. Cloud was felt, it was now unavailing, for the buildings at that place were destroyed by fire, February 20, 1866.

The monastic community had by this time attained such growth, that upon petition of Abbot Boniface Wimmer the Priory was raised to the dignity of Abbey by Pope Pius IX., with Abbot Rupert Seidenbusch—later Vicar Apostolic of Northern Minnesota—as its first Abbot.

Upon the completion of the stone building the community took up their quarters in it and in the summer of 1867 welcomed their first Abbot. The Abbey was styled "St. Louis on the Lake," while the college retained its charter name. At a later day the abbey also adopted the name of St. John's.

With increased, though still modest facilities for accommodating a larger number of students, an auspicious beginning was made in the autumn of 1867. Up to this time the curriculum of the Seminary included the classical course only. This course completed, the candidates for the Order entered the novitiate at the Mother house, St. Vincent's, Pennsylvania, where they pursued their philosophical and theological studies for three years, after the year of probation had expired.

Most of the priests attached to the abbey performed missionary duty which enforced continuous absence from the institution for a long time. For the purpose of organizing something like a permanent staff of professors, requisition was made upon St. Vincent's for additional volunteers, and with encouraging success. Now it was possible to open departments for Philosophy and Theology. From the second annual catalogue, issued 1869, it appears that in this year

the first classes were organized. In the autumn of the same year seven candidates for the Order who had just completed their novitiate, and five seminarians of the diocese of St. Paul were enrolled. Two professors taught Moral and Dogmatic Theology, Ecclesiastical History and Philosophy.

The institution was not at that time, nor subsequently, officially characterized as a diocesan seminary, but the fact that it was the only school of the kind in the extensive diocese explains why it received patronage. The course of instruction was confined to the branches which are deemed essential to qualify priests for the mission. There was a dearth of priests and the demand had to be met as speedily as possible.

When the Vicariate Apostolic of Northern Minnesota was established in 1875, Abbot Seidenbusch was selected to be its Vicar. He placed into our Seminary the students who were preparing for the ministry in his Vicariate. Thus in the school-year of 1875–6 there were seventeen diocesan seminarians in attendance.

Abbot Seidenbusch was succeeded in the abbatial dignity and presidency of the Seminary by Abbot Alexius Edelbrock (1875--1889), under whose administration the course of studies taught in the Seminary was substantially extended, while the attendance grew steadily. He secured from the present Supreme Pontiff, Leo XIII., on June 16, 1878, a privilege authorizing him and his successors in office to create such of his subjects, who, after studying Philosophy two years, Canon Law one year and Theology four years, are found worthy, Doctors in these sciences.

The rapid development of the country and the growing popularity of the educational institution conducted by the Benedictines of St. John's, soon told on the inadequacy of the buildings. Abbot Alexius Edelbrock increased the building by a magnificent addition of 400 feet, five stories high, and equipped with accommodations of a modern type. The Seminary was provided with ample quarters in the new extension.

Abbot Alexius Edelbrock retired from the abbatial position in 1889; in the year following, Abbot Bernard Locnikar († 1894) was installed. Like his predecessor he had in the infant days of the Seminary been deeply interested in developing the divinity course, and now he was anxious to exercise personal supervision over the work. He introduced several important modifications in the exercises and discipline of the seminarians.

Abbot Bernard Locnikar passed to the eternal reward of his labors in November, 1894, and was succeeded by Abbot Peter Engel, who for fifteen years previous had taught Philosophy in the Seminary. Conscious that the exigencies of the present day called for a more advanced training of candidates for the sacred ministry, he has taken steps to make improvements in several directions.

The foundation of the *Collegium Anselmianum* at Rome by the munificence of Pope Leo XIII. had induced Abbot Bernard Locnikar, in 1893, to send a member of St. John's Abbey to qualify for the degree of Doctor in Philosophy at that College. He returned after two years, having won the title, and to-day is employed in our Seminary as professor of that science. The present Abbot, well aware of the advantages offered for study in the Eternal City, sent another member of the community to the *Anselmianum* in 1895 to qualify in Theology.

The diocese of St. Cloud, comprising but a slight portion of the former Vicariate, was organized in 1889. Its bishops, the Most Rev. Dr. Otto Zardetti, now titular Archbishop of Mocesso (Mugiur), and the lamented Mgr. Martin Marty, O.S.B., sent the majority of their diocesan seminarians to St. John's. The establishment of St. Thomas' Seminary, which was two years ago merged in the new St. Paul Seminary, provided an institution for the education of the clergy of the St. Paul province. Hence our Seminary depends for its attendance—besides the regulars—upon students, either sent by the diocesan Bishop or from neighboring provinces having no seminaries of their own.

This, in mere outline, is a history of the first ecclesiastical

seminary in the Northwest. From insignificant beginnings it worked its way onward and upward despite the difficulties that, like so many institutions of a similar character, it was obliged to confront. Without any endowment, without any public support, but with an unfaltering trust in the goodness of God, whose protection was so clearly upon the enterprise, this institution sprang from the soil in which it had taken root. The priests who issued from its humble class-rooms have rendered precious service in the interests of souls during the pioneer period. Many have gone to their eternal rest, many are still bearing the burden of the day, and two have been deemed worthy of entering the ranks of the American episcopate, the Bishops of Jamestown and Winona.

From 1867 to 1896 the institution had prepared for the sacred ministry :

Secular priests, ...	122
Regulars (O.S.B.), ...	82

This sketch would be incomplete without some reference to the present condition of the Seminary.

By an act of Legislature in 1883, the charter name of the institution was changed to "St. John's University," but the designation of Seminary has always been retained for the ecclesiastical department. The institution conducts a classical college (with a preparatory course) attended by about 150 students ; a commercial college with an attendance of 50, and from 1885–1896 it also conducted an Industrial School for Chippewa Indian boys. The attendance in the Seminary at present is 45 ; of these 25 are seculars and 20 regulars. The secular seminarians represent six of the Western dioceses.

The ecclesiastical course up to this time has comprised but four years : the great demand for priests made a short course imperative, and the work accomplished by the candidates equipped at our Seminary testifies to the adequacy of their training to meet the requirements of the mission. The authorities, however, realize that the demand for priests is not now so pressing as it was at an earlier date ; also that the clergy should have an education of a superior standard and

in branches in which some proficiency will be expected on account of the dangers menacing the faith at the hands of infidels, sceptics and pseudo-scientists. With a view of elevating the present standard, it has been resolved to adopt the five years' course in the autumn of the present year. Heretofore, two years were devoted to Philosophy and three to Theology, the second of the former coinciding with the first of the latter. The new course will comprise two years of Philosophy independent of the three in Theology.

In the matter of text-books, it has been the constant endeavor of the Faculty to keep in touch with the best, most recent and serviceable authors. Thus at various periods, Konings, Gury and Lehmkuhl were used as texts in Moral Theology, until Sabetti was adopted as better suited to circumstances in our country; Perrone's *Praelectiones Dogmaticae* were recently replaced by Hurter; in Philosophy, Tongiorgi and Sanseverino were abandoned in favor of Card. Zigliara; in Church History, Darras, Wouters and Alzog have been superseded by Brueck, and in S. Liturgy, Wapelhorst's *Compendium* has preference over older and more voluminous authors. Other texts are Cornely's *Introductio in S. Scripturam*, Schmidt's *Patrology* and Frassinetti's *Pastoral Theology*.

The school year consists of ten months, divided into two terms, beginning respectively in September and February. Lectures in Theology and Philosophy are given daily, while the remaining branches are taught twice, and some, three times a week.

The prospective seminarian is supposed to have completed the classical course, the usual requisite exacted by seminaries. Our classical course consists of six years, and embraces the following branches: Latin, Greek, English, German, Mathematics, History, Rhetoric and Composition and Christian Doctrine. Music, Modern Languages, Physics and Chemistry are accessory branches; and singing is obligatory for all students preparing for the priesthood.

In addition, it is expected that his conduct has been commendable, that he has presentable papers, or testimonials,

and that he stands under the patronage of some diocesan Bishop to whom the authorities can report concerning his progress and conduct.

Life in the Seminary is ordered upon the plan adopted by most institutions of the same character. The seminarians occupy quarters entirely separated from the collegiate departments. Each student has a room, appropriately furnished, while a community room is set aside for the common exercises. The immediate supervision of discipline is committed to one of the priests of the Order who officiates as Prefect.

The time of rising is 5.30. Morning prayers are followed by Mass at 6 o'clock. The seminarians are expected to receive Holy Communion every Sunday and on Feasts of Obligation. They also observe the first Friday in honor of the Sacred Heart. After Mass a plain breakfast is taken and then follows a half hour's meditation in the community room. Recitations occupy two hours in the morning and usually two in the afternoon, which allows ample time for study. Before dinner a short time is spent in the chapel for particular examen; and after the meal all make a visit to the Blessed Sacrament. Evening prayers, examen of conscience and a visit to the Blessed Sacrament conclude the exercises of the day.

During all solemn functions they assist with the members of the monastic community in the sanctuary; and are frequently called upon to serve in the various offices at the altar. This affords a good opportunity of practising the ceremonies according to the prescriptions of the Church. They also assist the monastic choir in chanting Vespers on Sundays. The Roman Vesperal is used at this service so that the seminarians may familiarize themselves with Gregorian Chant, in which instructions are given during the week.

The stress of mental application is apt to tell upon the physical constitution of students. The inconveniences arising from the severities of the climate, characteristic of Minnesota, are guarded against effectually by the interior equipment of the buildings. The house is heated by steam, the rooms are spacious, bright and cleanly. Ample time is

allowed for recreation on the extensive grounds which, especially in summer, cannot easily be surpassed for romantic beauty.

These slender details convey but an inadequate idea of the Seminary which has furnished priests for the mission for nearly forty years past. In the face of many adverse circumstances it has survived; substantial and important improvements were made as the means allowed and the times exacted; but above all and at all times, due care was taken to surround the students with those salutary influences that help to mold the priestly character. Life in a monastic institution, frequent occasion to witness and take part in ecclesiastical ceremonies—and to this we point with pardonable pride, that in the observance of the prescribed ceremonial and in the cultivation of the recognized music of the Church, this institution has done, and is doing, its duty conscientiously,—separation from worldly distractions and a reasonably strict routine of daily exercises, are advantages which no seminarian can enjoy without bearing with him into the service of the Church a spirit which will render his ministrations fruitful.

P. ALEXIUS, O.S.B.

ANALECTA.

E SACRA CONGREGATIONE STUDIORUM.[1]

DOCUMENTA[1] AD ERECTIONEM,

Facultatum Theologiae et Juris Canonici in Seminario Mexicano pertinentia.

1. Decretum Episcopale erectionis. 2. Epistola S. C. Studiorum circa hanc erectionem. 3. Decretum erectionis duarum facultatum. 4. Decretum approbationis Collegii Doctorum. 5. Decretum approbationis Constitutionum. 6. Tabula synoptica referens materias, annos, dies, etc. 7. Statuta utriusque Facultatis.

1. DECRETUM.

ILLMI AC RVMI ARCHIEPISCOPI MEXICANI D. DR. PROSPERI M. ALARCON DE UNIVERSITATIS ERECTIONE, VI FACULTATUM APOSTOLICARUM.

Quandoquidem veram solidamque scientiam Christi Sacerdotibus summopere necessariam esse in comperto apud omnes est, idcirco omnem curam omneque studium in id multo abhinc tempore contulimus, ut studiosa iuventus in nostro Conciliari Seminario ea scientia imbuatur, quae apprime confert ut strenui Ecclesiae ministri haberi, fideique catholicae adsertores conspicui informari queant. Hinc, nulla intermissa ope et labore, Theologicam in primis Scientiam

1 These documents bearing upon the organization of the Mexican Ecclesiastical Seminary are inserted here in connection with the series of articles on the seminaries in the United States now appearing in this REVIEW. They show the lines of solid clerical training followed in our sister Republic, and should have a special interest for the directors and professors of our own seminaries.

curavimus purissimae Sti Thomae doctrinae accommodari, iis selectis auctoribus, qui eius *inconcussa et tutissima dogmata*, miro ordine et perspicuitate tradunt. Professores autem huius Theologicae Scientiae conspicuos selegimus, ut in scholis tum matutina tum vespertina per quadriennium uberiorem tractationem, Scholasticorum vestigiis insistentes, haberent. Circa Philosophiam autem, planum est ipsam cum Theologia arctissimo vinculo devinctam, ad eam tamquam pedissequam sternere viam, eiusque per plures annos studium absolvi debere, ut ea maturitate et sedulitate fiat, quam res abstrusissimae sibi vindicant. Hoc animadvertentes, triennium huic studio debere tribui decrevimus. Quoad Ius vero Canonicum, ut plenior uberiorque scientia habeatur, praeter Institutionum Canonicarum studium, Decretalium etiam scholas matutinam pariter ac vespertinam a distinctis spectatissimisque professoribus habendas ereximus. Ne quid vero stimuli studiosae deesset iuventuti, quae in spem Ecclesiae succrescit, utque praemiis ad altiora subtilioraque studia alliceretur, nil antiquius aeque ac optabilius habuimus, quam suppressae temporum iniuria Universitatis Mexicanae defectui occurrere. Hac de causa enixe ab Apostolica Sede iterum iterumque facultatem efflagitavimus academicos conferendi gradus. Res autem adeo prospere successit, ut conatus votaque nostra plene expleta ac superata videamus. Nam SS. Pontifex Leo XIII. lubentissimo animo nostris precibus annuens, summa qua pollet auctoritate, facultatem Nobis elargitus nuperrime est, Constitutionibus a Nobis propositis rite adprobatis, Universitatem erigendi in nostro Seminario, gradusque academicos, tam in S. Theologia, quam in Iure Canonico, apostolica concedendi facultate, una cum Collegio Doctorum, ab eodem S. Pontifice pariter cum omnibus iuribus et privilegiis ad id muneris adprobato. Quapropter, facultatibus Nobis per Apostolicas litteras concessis, rite utentes, Doctorum pleno habito conventu, canonicam erectionem Universitatis Mexicanae decrevimus, ac, ut pro erecta in Nostro Seminario Conciliari, ab omnibus per hasce praesentes litteras haberi volumus et statuimus.

In quorum fidem hasce litteras manu nostra subscriptas et sigillo nostro munitas dedimus.

Mexici, die 3ª Martii, 1896.

PROSPER M. ALARCON, *Archiep. Mexic.*

MELESIUS VAZQUEZ, *a Secret.*

Loco ✠ sigilli.

2. EPISTOLA S. C. STUDIORUM CIRCA HANC ERECTIONEM.

Illme. ac Rme. Domine,

Rite ad hanc S. Studiorum Congregationem pervenerunt litterae sub die 14ª Februarii nuper elapsi, quibus Amplitudo Tua eamdem S. Congregationem certiorem reddit, ita noviter fuisse reformata studia istius Seminarii Mexicani, ut pluries petita a S. Sede tandem concederetur facultas, gradus academicos conferendi sive in S. Theologia, sive in Iure Canonico. Hunc ad effectum nomina indicat Amplitudo Tua septem Professorum, qui laurea doctorali insigniti sunt, ut ex eisdem Collegium Doctorale constitui possit.

Profecto per huiusmodi studiorum reformationem Amplitudinis Tuae sollicitudo, quam maxime, laudanda est: et statim S. Congregatio haec debitas de more pertractationes aggredietur, pro petita Facultate Theologica in isto Seminario erigenda.

. . . . . .

Unum nunc restat Amplitudini Tuae significandum et est: posse quidem sicut Mediolanensi Instituto et aliis concessum est, tribui privilegium etiam mexicano, ut iuvenes qui in Seminariis regionis, studiorum cursus expleverint ad gradus promoveri possint: sed una tantummodo sub conditione, si nempe ratio studiorum in huiusmodi Seminariis prorsus conformis inveniatur ac in mexicano. Utinam Episcoporum regionis animi collatis simul consiliis in id conspirarent, ut nempe clericorum studia uniformi ratione in Seminariis reformentur et releventur. Propitia nunc prostat occasio, erectio videlicet Collegii Theologici Mexicani, quod in locum suppressae Universitatis constitueretur, si sub praefata uniformitatis studiorum conditione, etiam ex aliis Seminariis iuvenes ad gradus promoverentur. Sed de his commonere oportebit Episcopos, eosque in vota ut conveniant movere; quod si opportuna dexteritate et prudenti ratione Amplitudo Tua compleverit, rem gratiorem iucundioremque SSmo Patri et huic S. Congregationi Vestrisque Dioecesibus utiliorem effici haud posse firmissime affirmare non dubito.

Haec pro meo munere Amplitudini Tuae erant significanda, cui interim omnia fausta in Domino feliciaque adprecans mei devotionis sensus libentissime profiteor.

Romae ex Secret. S. Cong. Studiorum, die 30 Martii, 1895.

Amplitudinis Tuae *Addictissimus Servus,*

IOSEPH MAGNO, *a Secretis.*

3. DECRETUM ERECTIONIS DUARUM FACULTATUM.

Ex audientia SSmi, diei 14 Decembris, 1895.

Ne clerici in spem Ecclesiae succrescentes ulterius persentiant detrimentum subversionis Universitatis Pontificiae, quae tertio ab eius fundatione accidit saeculo in Mexicana regione, iampridem Illmus ac Rmus Mexicanus Archiepus enixe rogavit, ut facultates Theologiae ac Iuris ecclesiastici in Seminario Dioecesano canonice erigerentur atque ad easdem tuendas regendasque, Collegium simul institueretur doctorum cum privilegio conferendi gradus academicos iis, qui scholas rite celebraverint.

Quum ex monumentis nuper ad S. Congregationem Studiorum missis constet Facultates Theologiae Iurisque Canonici reapse in Seminario Mexicano esse nunc institutas ad normam ceterarum, quae honorem canonicae erectionis iam ab Apostolica Sede recepere, ac insuper antecessorum copia atque praestantia spem faciat fore, ut disciplinarum amplitudine ac puritate, apprime floreant; Summus Pontifex Leo XIII., cui nil antiquius est, quam sacras disciplinas ubique promovere, earumque studium magis magisque fovere, attentis peculiaribus circumstantiis in audientia diei 14 Dec., votis Mexicani Archiepi annuens iubere, dignatus est, ut praedictae facultates apostolico robore fulcirentur.

Mandatis igitur Summi Pontificis morem gerentes, decernimus atque statuimus ut Facultates Theologiae ac Iuris Canonici in Seminario Mexicano nunc existentes, veram ac proprie dictam habeant erectionem una cum Collegio Doctorum, quod frui ac gaudere potest privilegio conferendi in iisdem Facultatibus gradus Baccalaureatus, Licentiae ac Laureae iis dumtaxat, qui sedulo scholas frequentaverint et honorem graduum, praevio examine, promeruerint, servatis adamussim Constitutionibus huic decreto adnexis et a S. Congne Studiorum rite approbatis. Contrariis quibuscumque non obstantibus.

Datum Romae e Secretaria S. Congregationis Studiorium die 14ª Decembris, 1895.

C. Card. MAZZELLA, *Praef.*
IOSEPH MAGNO, *a Secretis.*

---

4. DECRETUM APPROBATIONIS COLLEGII DOCTORUM.

Ut Collegium doctorum Facultatis Theologiae ac Iuris Canonici nuper erectae in Seminario Mexicano, nunc primum componatur, Sacra haec Studiorum Congregatio, utendo facultatibus a Sanctis-

simo Domino Nostro Leone Papa XIII. benigne tributis, concedit Rmo Archiepiscopo Mexicano, ut eidem Collegio aggregare possit et valeat R. D. Aristaeum Aguilar, doctorem in S. Theologia et Iure Canonico, R. D. Iosephum Mendez, doctorem in S. Theologia, R. D. Franciscum Plancarte, doctorem in S. Theologia, in Iure Canonico et Philosophia, R. D. Leopoldum Ruiz, doctorem in S. Theologia, in Iure Canonica et Philosophia, R. D. Ioannem Herrera, doctorem in S. Theologia, in Iure Canonico et Philosophia, R. D. Antonium Paredes, doctorem in S. Theologia et Iure Canonico, R. D. Philippum Pineda, doctorem in S. Theologia et Philosophia, R. D. Franciscum Orozco, prolytam in S. Theologia et doctorem in Philosophia, R. D. Emmanuelem Solé, professorem emeritum in S. Theologia, de quorum praestantia ac morum integritate et religionis zelo satis constat; sub conditione tamen ut cum haberi poterit copia doctorum, Collegium theologicum distinctum omnino efformetur a Collegio Facultatis Iuris Canonici iuxta normas quae in Constitutionibus, a Sacra hac Congregatione rite approbatis, continentur. Contrariis quibuscumque non obstantibus.

Datum Romae e Secretaria S. Congregationis Studiorum die 16ª Decembris, 1895.

C. Card. MAZZELLA, *Praef.*
IOSEPH MAGNO, *a Secretis.*

---

5. DECRETUM APPROBATIONIS CONSTITUTIONUM.

Quum Episcopus Mexicanus Constitutiones nuper conditas pro Facultate Theologica ac Iuris Canonici exhibuerit, efflagitans, ut Pontificia auctoritate roborentur, Sacra haec Studiorum Congregatio, postquam eas maturo subiecerit examini, utendo facultatibus a "*SSmo Domino Nostro Leone Papa XIII.*" benigne tributis, nonnullis emendationibus inductis, approbandas atque confirmandas esse censuit, prout hoc decreto approbat, atque per decennium sancit, ut experientiae detur locus. Quocirca Facultatibus Theologiae ac Iuris Canonici in Mexicano Seminario uti liceat praefatis Constitutionibus huic decreto adnexis, quarum exemplar in tabulario S. Congnis asservatur, ut hinc frui possint omnibus iuribus ac privilegiis, quae in ipsis continentur, dummodo religiose serventur. Contrariis quibuscumque non obstantibus.

Datum Romae e Secretaria S. Congregationis Studiorum die 14ª Decembris, 1895.

C. Card. MAZZELLA, *Praef.*
IOSEPH MAGNO, *a Secretis.*

6. TABULA SYNOPTICA.

SCHOLAE SUPERIORES—FACULTAS THEOLOGICA

MATERIAE	ANNI	DIES	HORAE	TEXTUS	ALUMN. NUMERUS
Theol. Dogm antem.	Quatrienn.	Quotidie exceptis diebus Iovis et festis	Ab 11 ad 12 a.	Mazzella. De Augustinis	Tres supra triginta
Theolog. Dogm. pom.	Item		A 3 ad 4 p.	Billot.	
Theologia Moralis	Bienn. 2um		A 4 ad 5 p.	Gury. Ballerini	Item
Scriptura Sacra	Bienn. 1um	Lun. Mer. Sat.	Item	Cornely	Quinque et quadr
Historia Ecclesiastica	Bienn. 1um	Mart et Ven.	Item	Wouters	Decem
Lingua Hebraica	Annus 1us	Item	A 9 ad 10 a.	Vosen	Item
Liturgia Sacra	Quatrienn.	Lun. Mer. Sat.	Item	De Herdt.	Sexaginta
Cantus Gregorianus	Item	Diebus Iovis	Horis a Rect.	Magister Coralis	Item
Eloquentia Sacra	Item	Item	assignandis	Franciscus Mauri, S. I.	Rector Seminarii alumn. designabit
FACULTAS IURIDICA					
Institutiones Canonic.	Integer annus	Quotidie exceptis diebus Iovis et festis.	A 10 ad 11 a.	Tarquini, Sanguinetti	Duo de viginti
Schola Decretalium a.	Biennium		Ab 11 ad 12 a.	Santi	
Schola Decretalium p.	Item		A 4 ad 5 p.	Idem	Eiusmodi scholae anno futuro aperientur.
PHILOSOPHIAE DISCIPLINAE					
Aritmetica, Algebra	Annus primus	Quotidie exceptis diebus Iovis et festis.	Ab hora 9 1/2 ad 10 1/2 a.	Conteras	viginti tres
Geometria, Trigonom				Idem	
Logica et Ontolog. ant.			Ab h. 8 ad 9 a.	De Maria	
Item pom.			Ab 4 ad 4 p.	Idem	
Linguae Graecae—Annus ultimus.			Ab 4 ad 5 p.	Xenophon et Homerus	
Metaphysica Specialis. Pars II.			Ab hora 9 1/2 ad 10 1/2 a.	De Maria	
Physica Experimentalis	Annus alter	Lun. Mer. Sat. Mart. et Ven.	Ab 3 ad 4 p.	Drion et Fernet	Annis proxime futuris eiusmodi scholae aperientur.
Ethica			Ab 8 ad 9 a.	Tongiorgi	
Chimia			Item	Langlebert	
Historia Patria		Quotidie exceptis diebus Iovis et festis.	A 4 ad 6 p.	R. Tirsus, R. Córdoba	
Historia Naturalis			A 9 ad 10 a.	Langlebert	
Metaphysica Specialis Pars II — Theod.			Ab hora 11 ad 12 a.	vel Delafosse	
Cosmographia	Annus tertius	Lun. Mar. Sat. Mart. et Ven	A 3 ad 4 p.	De Maria	
Geologia			Item	Anguiano	
Historia Univers.		Quotidie ut supra.	A 4 ad 5 p.	Langlebert	
				Sánchez Casado	

7. STATUTA UTRIUSQUE FACULTATIS.

CAPUT I.

De origine et institutione Facultatis S. Theologiae et Iuris Canonici in Seminario Mexicano.

Iam ab initio Hispanicae dominationis in hac regione Mexicana primus Pro-Rex Antonius Hurtado de Mendoza Universitatis Mexicanae fundamenta iecit; quae tandem a Carolo V., Hispaniarum Rege, per decretum d. 21ª Septembris anno MDLI. erecta est, eique iura et privilegia Salmaticensi donata consociavit.

Clemens VIII., Pontifex Maximus, Bulla, anno MDXCV., concessa, titulo Pontificiae insignivit.

S. Catharinam Virginem et Martyrem Universitas coelestem sibi Patronam elegit.

Tertio a fundatione exeunte saeculo anno MDCCCXXXIII. suppressa, iterum restituta a Reipublicae Moderatore Antonio Lopez de Santa-Anna anno MDCCCLIV., desiit cum Restitutoris regimine.

Excmus ac Rmus D. Dr. Pelagius Antonius de Labastida y Davalos, probe noscens bona quae, Universitate suppressa, clerus Mexicanae Dioeceseos amiserat, tanto malo occurrere volens, gradus academicos in suo Seminario conferendi facultatem a S. Sede humiliter et enixe flagitavit. Facultas ad decennium benigne concessa est per Breve Pii P.P. IX. f. r., die 30 Ianuarii, MDCCCXXII. Per iniuriam a Gubernio Civili expulsis Patribus, S.J., quibus tunc temporis Seminarii regimen erat commissum, usus Pontificiae concessionis minime est factus. Rebus compositis et novo efformato Doctorum Collegio, Excmus ac Rmus D. Dr. Prosper Maria Alarcon praedecessoris vestigia terens, iterum atque iterum a S. Sede postulavit erectionem Facultatis S. Theologiae et Iuris Canonici, quae tandem a Leone P. P. XIII. concessa est anno MDCCCXCV. decreto S. C. Studiis praepositae.

Facultates hoc modo canonice erectae S. Thomam Aquinatem, Doctorem Angelicum, ab eodem Leone XIII. communem omnium scholarum Protectorem edictum, sibi in praecipuum Patronum elegerunt, peculiari cultu prosequendum, a cuius doctrinis minime recedendum, praeter S. Catharinam V. et M. cui primitus Universitas Mexicana dedicata fuit.

CAPUT II.

De Moderatoribus Pontificiae Mexicanae Facultatis.

I. Mexicana Facultas Theologica ac Iuris Canonici regitur summa Apostolicae Sedis auctoritate a Magno Cancellario una cum Collegio Doctorum.

II. Magnus Cancellarius, veluti natus, est Excmus ac Rmus D. Archiepiscopus Mexicanus pro tempore existens, cuius erit quotiescumque sibi videbitur, Collegium congregare, omnibus conventibus praeesse, agenda proponere, candidatorum examinibus, sive publicis, sive privitis interesse, de eisque una cum examinatoribus suffragium ferre. Ipse etiam apostolica ex auctoritate ius habet conferendi gradus academicos et diplomata remittendi una cum Collegio Doctorum, cuius personam gerunt Pro-Cancellarius, Studiorumque Praefectus.

III. Pro-Cancellarii electio et confirmatio a Magno Cancellario fiet hoc modo: Collegium Doctorum per vota secreto significata, tres e Collegio designabit, Magno Cancellario praesentandos, ut e tribus eligat ipse quem sibi melius placuerit et confirmet, cum facultate ternam propositam reiiciendi, et novam electionem indicendi. Ad ternam efformandam sufficiet pluralitas votorum relativa.

IV. Pro-Cancellarii munus erit Magnum Cancellarium absentem in omnibus supplere, ipsoque etiam praesente, poterit candidatorum examinibus interesse, de eisque suffragium ferre sicuti alli examinatores.

V. Studiorum Praefectus, a Pro-Cancellario de consensu Magni Cancellarii designandus erit. Praefecti munus est de iis, quae ad studia pertinent, invigilare. Poterit igitur scholas perlustrare, professores negligentes commonere, ut scholasticae leges serventur curare; Collegium Doctorum, quoties opus fuerit congregare ad graviora scholastica negotia definienda, praemonito Magno Cancellario; Statutis academicis insistens ad examina candidatos admittere, diem indicare, examinatores designare, eorum suffragia excipere. Praefecti item studiorum est, invigilare, ut in singulis disciplinis sana doctrina, eaque amussim catholica tradatur, et ut a Professoribus ea, qua fieri poterit, soliditate, perspicuitate et diligentia lectiones habeantur.

VI. Electio Pro-Cancellarii et Praefecti studiorum a S. Studiorum Congregatione confirmanda erit.

CAPUT III.

De Studiorum Ordine et Ratione.

§ I. *In Theologica Facultate.*

VII. Cursus Theologicus quatuor continenter annis perficitur.

VIII. Integro quatriennio duplex quotidie (*diebus festis et Iovis exceptis*) habetur lectio Theologiae Dogmaticae; altera matutina, altera vespertina, tractatibus Theologiae scholasticae ita distributis, ut absoluto quatriennio, omnes fuerint expleti. Hisce lectionibus una simul interesse tenentur omnes, qui gradibus academicis insigniri volunt, cuiuscumque tandem anni sint.

IX. Primo bienno praeterea candidati navare debent explanationi S. Scripturae et Historiae Ecclesiasticae, quae alternis vicibus habetur iisdem diebus ac Theologia Dogmatica. Hisce expositionibus interesse tenentur, simul coniuncti, qui ad primum et alterum annum pertinent.

X. Altero biennio pro S. Scriptura et Historia Ecclesiastica Theologiae Morali vacatur ab alumuis tertii et quarti anni.

XI. Alumni tertii anni operam pariter navabunt Institutionibus Canonicis et iuris publici ecclesiastici, quae traduntur iisdem ac Theologia Dogmatica diebus.

XII. Qui vero primo anno sunt inscripti tenentur insuper interesse scholae Linguae Hebraicae, quae alternatur cum schola Liturgiae, a qua nemo theologorum excusatur, praesertim si Theologiae Morali iam studeat.

XIII. Singulis hebdomadis, die Iovis, habentur scholae Eloquentiae Sacrae et Cantus Gregoriani, ad quas quinam interesse debeant, Rector Seminarii designabit.

XIV. Post scholas vespertinas circulus habebitur, cui praeesse debet alumnus a Praefecto Studiorum, respectivi Professoris audito consilio, designandus. In circulo aliquis inter alumnos, in antecessum designatus, disseret supra thesim, quam sibi antea pariter indixerit circuli Praefectus. Continuo vero solvet obiectiones, quas contra ipsam proponet unus vel alter alumnus, item a Praefecto circuli designatus : quae ratio eadem servanda est, cum in designatione Praefectorum circuli pro aliis facultatibus, tum in modo circulos perficiendi, relatione habita ad diversitatem materiarum. Circulus ad semihoram protrahi debet.

XV. Eiusmodi exercitatio vel quid simile saepe coram professore in schola fiet, et ter saltem in anno publice in aula maxima, adstantibus omnibus Collegii Doctoribus.

XVI. Lectiones singulae integram horam perdurare debent.

§ II. *In Facultate Iuris Canonici.*

XVII. Triennio absolvitur studium Iuris Canonici.

XVIII. Annus primus Institutionibus Canonicis et Iuri publico ecclesiastico integer consecratur. Lectiones quotidie traduntur, si dies Iovis et festos excipias.

XIX. Duo insequentes anni studio Decretalium relinquuntur quarum expositio et explanatio cum mane tum vespere a distinctis professoribus quotidie, ut supra, perficietur.

XX. Lectiones singulae horam integram perdurare debent.

XXI. Post scholam vespertinam per semihoram habebitur circulus.

§ III. *De disciplina Philosophica.*

XXII. Cum maxime intersit ad sacras praesertim addiscendas scientias solida philosophiae institutione clericos imbui, philosophiae scholasticae cursus, ceu ad S. Theologiam propedeuticus instituitur in Seminario Mexicano pro clericis, qui ad gradus academicos contendunt sive in S. Theologia sive in Iure Canonico.

XXIII. Ad philosophiae cursus nemo admittitur, nisi in lingua latina per examina in scholis inferioribus peracta et per professorum testimonia rite exhibita, apprime instructus agnoscatur.

XXIV. Philosophiae cursus triennio absolvitur.

Primo anno quotidie, ut supra, tum mane, tum vespere habetur schola Philosophiae Rationalis ad mentem Sti Thomae et explananda erit Logica et Ontologia. Mane vacatur etiam studio illius partis Matheseos, quae complectitur Aritmeticam, Algebram, Geometriam et Trigonometriam. Praeterea habebitur schola vespertina Linguae Graecae.

XXV. Anno altero quatuor lectiones quotidie habentur scilicet: *a*) *mane*—Philosophiae Rationalis (Cosmologiae et primae partis Psycologiae) et Physicae Experimentalis: *b*) *vespere*—Chimiae atque Ethicae alternis vicibus et Historiae Patriae.

XXVI. Tertio anno quatuor pariter lectiones habentur, scilicet: *a*) *mane*—Historiae Naturalis et Philosophiae Rationalis (Absolvi-

tur Metaphysica Specialis et traditur Theodicea) : *b*) *vespere*—Cosmogoniae et Geologiae alternatim et Historiae Universalis.

XXVII. Lectiones singulae ad horam protrahi debent.

XXVIII. Circuli etiam habentur modo supradicto.

§ IV. *Methodus tenenda a Professoribus in praelectionibus tradendis.*

XXIX. In scholis superioribus curabunt Professores, ne alumni satis et abunde sese fecisse credant, si auctores, sibi pro textu propositos, memoriter teneant ; sed suis explanationibus et expositionibus conabuntur illos imbuere cognitione quaestionum tam alte et solide, ut illam, quando opus fuerit, debita cum profunditate, amplitudine et dexteritate, qua fieri potest maiore, casibus particularibus applicare possint. Ideo Professores toto pectore incumbent, ut alumni ad hunc gradum perfectionis deveniant ; quod uti fiat, curabunt quaestiones singulas diversimode illis enunciare et sub diversis verborum formis solvendas proponere. Ideo continuis, assiduis et diuturnis exercitationibus curent, ut discipuli in solutione difficultatum facilitatem acquirant : Sacerdos enim paratus esse debet non modo ad dogmata fidei christicolis clare et enucleate propenenda, verum etiam ad ea contra adversariorum impugnationes sarta tectaque servanda et ad ipsos infideles a suis erroribus advertendos.

§ V. *De Textibus.*

XXX. Pro textu seligantur auctores optimae notae, et in disciplinis philosophicis et theologicis qui sint praeterea conformes principiis et menti Doctoris Angelici.

XXXI. Auctores semel admissi nequeunt per alios substitui, nisi de consensu Doctorum Collegii, qui prohibentur alios admittere, quos minime constet omnino praecellere iis, qui antea habebantur, uberioremque fructum esse discipulis allaturos. Mutationes tamen rarissimae sint.

XXXII. De auctorum textibus, qui in variis disciplinis explanantur, certior fieri debet S. Congtio Studiorum in triennali relatione.

CAPUT IV.

De Graduum Collatione.

XXXIII. Gradus academici tres enumerantur : Baccalaureatus, Licentia seu Prolytatus, Laurea seu Doctoratus.

XXXIV. Ad examen pro Laurea Candidati non admittuntur, nisi expleto Studiorum curriculo ; pro Licentia nonnisi penultimo

studiorum anno finito ; pro Baccalaureatu nonnisi postquam alterum Studiorum annum absolverint, si de theologis agatur, vel postquam Institutiones Canonicas obierint si de canonistis agatur.

XXXV. Examen ad Baccalaureatum et Licentiam orale tantum erit : saltem coram tribus Collegii Doctoribus perficiatur et ad horam integram protrahatur ; ad Lauream tum scriptum tum orale. Scriptum ita fiet : ex thesibus ad hoc propositis tres sortiantur ex quibus candidatus eliget quam maluerit, quaeque argumentum praebebit ad dissertationem latino sermone ex tempore conscribendam, intra spatium sex horarum, absque ullo libri vel scripti subsidio, si Bibliam et Concilium Tridentinum et Vaticanum pro theologis excipias, et corpus Iuris pro canonistis, in loco expresse designato, uno adstante Collegii doctore. (Probatio Candidatorum Iuris Canonici versabitur non supra thesibus sed supra titulis.) Theses theologicae pro experimento scripto, numero erunt quinquaginta ex iis selectae, quae pro examine orali assignantur. Tituli totidem Iuris Canonici ex iis pariter excepti qui pro orali proponuntur.

XXXVI. Dissertatio scripto a candidatis exarata, quinque Doctorum iudicio subiicietur, quorum adprobatio, pluralitate suffragiorum, omnino necessaria est, ut candidatus ad orale experimentum admittatur.

XXXVII. Examen orale fiet saltem coram quatuor Doctoribus Collegii, quibus integrum erit, ex thesibus pro experimento designatis quamlibet eligere, ita tamen ne singuli eamdem eligant.

XXXVIII. In Theologica Facultate pro Baccalaureatu Candidatorum periculum septuaginta quinque theses amplecti debet ; pro Licentia centum ; pro Laurea ducentas. Theses Theologicae pro Baccalaureatu et Licentia assumentur ex tractatibus illo anno expositis : pro Laurea ex universa Theologia Dogmatica centum et quinquaginta, ex S. Scriptura viginti ; ex Theologia Morali viginti ; ex Historia Ecclesiastica decem.—In Facultate Iuris Canonici pro Baccalaureatu puncta septuaginta quinque ex Institutionibus et Iure Publico ; pro Licentia Tituli quinquaginta ex libris Decretalium illo anno explanatis ; pro Laurea centum ex quinque libris et insuper viginti quinque puncta ex Iure Publico.

XXXIX. In Theologica Facultate Candidati ad Baccalaureatum parati esse debent ad theses clare et perspicue exponendas, solidis argumentis firmandas et pervulgatas obiectiones solendas ; Candidati ad Licentiam solvere tenentur etiam exquisitiores : ad Lauream autem Candidatis, ut plurimum, non proponentur theses probandae

vel explicandae, sed solummodo argumentationes in forma, ut perspicue constet, aptos esse quibuscumque difficultatibus enodandis.

XL. Suffragia ab examinatoribus secreto Praefecto Studiorum significabuntur.

XLI. Ut Candidatis gradus concedantur, pluralitatem absolutam votorum favorabilium obtinere debent.

XLII. Examini ad gradus non admittentur qui absque iusta causa saepius neglexerunt interesse praelectionibus. Quinam hac in re negligentes censeri debeant relinquitur iudicio Praefecti Studiorum et Professorum.—Pariter excluduntur qui gradum inferiorem nondum obtinuerint, vel qui quavis de causa aliquam materiam neglexerint, nisi forte excipias Cantum Gregorianum, Eloquentiam Sacram, S. Liturgiam et Linguam Hebraicam, a quibus Praefectus Studiorum rationabili de causa poterit dispensare, audito Seminarii Rectore.

XLIII. Ut extranei ad examen possint admitti, afferant oportet testimonia, quae faciant fidem de studiis quae heic exiguntur, alibi a se cum profectu exantlatis, qui praeterea de consensu sui Ordinarii duobus saltem annis in Mexicana Academia scholas illius facultatis frequentare tenentur, in qua gradus academicos exoptant.

XLIV. Diplomata ad Lauream non concedantur nisi postquam Candidati, in experimentis iam approbati, fidei professionem emiserint, a Pio P. P. IV. et Pio P. P. IX. praescriptam, coram Collegio Doctorum vel coram eiusdem Collegii Doctore, a Magno Cancellario deputato et Praefecto Studiorum.

XLV. Quibus examen male cesserit, redeundi ante sex menses venia minime concedatur. Quod si iterum admissi sese impares ostenderint, venia redeundi postea omnino negetur.

XLVI. Tum in gradibus conferendis, tum in eorum diplomatibus expressa Apostolicae Auctoritatis mentio fiat, ex cuius delegatione gradus ipsi conceduntur.

XLVII. Diplomata ad Lauream, Licentiam et Baccalaureatum praeter sigillum Academiae, ostendant oportet subscriptionem Magni Cancellarii, Pro-Cancellarii atque Studiorum Praefecti.

CAPUT V.

De Collegio Doctorum.

XLVIII. Octo saltem membris Doctorum nec pluribus quam duodecim, Collegium constare debet cum Praeside, qui semper eiusdem Collegii decanus erit ; ultimum vero membrum secretarii munere fungetur.

XLIX. Nemo poterit in Collegium adscisci, nisi vitae et morum integritate commendetur, et in aliqua catholica Universitate Doctoris laurea fuerit donatus in ea disciplina ad cuius Collegium contendit.

L. In hac prima Facultatis Mexicanae institutione ob Doctorum defectum, ad decennium permittitur, ut unum Collegium sive pro S. Theologia sive pro Iure Canonico constituatur. Sed ut copia doctorum in posterum suppetat enitendum est, ut duo distincta pro unaquaque facultate constituantur Collegia, quibus suus erit praeses praeponendus ; unumquodque suos habebit conventus, distincta membra et officia sub Magni Cancellarii moderatione et auctoritate.

LI. Novi doctoris in Collegium cooptatio per Doctorum suffragia fiet et eius electio a S. Stud. Congne confirmanda erit. Qua obtenta confirmatione, pleno Doctorum conventu recipietur fidei professione iuxta formulam Pii IV. et Pii IX. coram Praeside solemniter emissa.

LII. Munus Collegii doctoralis est examina habere et ferre suffragium in professoribus eligendis, in collatione laurearum aliorumque graduum academicorum, atque simul cum respectivis lectoribus, in discipulis praemio decorandis exeunte anno scholastico.

LIII. Collegii membra sicut professores tenentur studiorum Praefecto subesse: cum eo programmata sive cursuum sive examinum singulis annis adprobare, in omnibus Praefectum coadiuvare quae ad solidam alumnorum institutionem et profectum spectant: opportuna denique, si quae sint, consilia proponere, quae ad regimen et decus Facultatis magis idonea censuerint.

LIV. Ut tam benemerito Collegio Pio Latino-Americano in Urbe honoris gratique animi testimonium exhibeatur, eique novae adiungantur vires, Rmi huius Archidioeceseos Archiepiscopi incoeptis usque insistentes, valentiores iuvenes, celebrioribus in Urbe Professoribus erudiendos et insigniori laurea donandos, almo illi Collegio adhuc certo committent, ut inde e limine Petri Doctorum et Professorum purior origo habeatur.

Hinc in Professoribus eligendis et Doctoribus proponendis, eos qui illius in Urbe Seminarii iam alumni, inde tum studiorum tum honestioris vitae optima retulerint testimonia, ubi et caetera concurrant, praeferendos Collegium curet.

LV. Quod si doctores non suppetant Laurea insigniti in Collegio Pio Latino-Americano, ceteris paribus, qui in hac Mexicana Facultate Lauream adepti fuerint praeferantur.

LVI. Doctores candidatis experimentum subeuntibus ne nimis faveant ; sed examinandi merito, aptitudini et scientiae unice attendentes iustum iudicium ferant. Unde probatio gravis sit et seria, ut gradus conferendus honore semper habeatur.

LVII. In defectu Magni Cancellarii, Pro-Cancellarii atque Studiorum Praefecti, conventibus praesideat Doctorum Praeses.

LVIII. Si quis inter Doctores a vero desciverit, quod Deus avertat, vel alia de causa noxium Academiae vel Seminario se probaverit, pleno conventu re discussa, Magno Cancellario integrum sit illum expellere.

CAPUT VI.

De Statutis Interpretandis et Applicandis.

LIX. Hisce Statutis expresse derogare minime liceat absque S. R. Congregationis Studiorum venia.

LX. Rei tamen substantia servata, Collegio ea concedatur facultas : *a*)—Ut ex Cancellarii sententia Statuta haec possit interpretari, declarare et cum illis quoque difficultatibus componere, quae forte irrepere possint . . *b*)—Ut peculiares et practicas possit edicere regulas, quibus haec fundamentalia Statuta applicentur, speciatim vero expensas vel exigendas, vel solvendas, solemniaque ad conventus habendos gradusque conferendos aliaque huiusmodi, data opportunitate, decernere.

LXI. De hisce omnibus, deque numero et progressu discipulorum, de gradibus collatis et generatim de totius facultatis statu, tertio quoque anno ad S. R. Studiorum Congregationem Cancellarius relationem mittere curet.

LXII. Qua facta et transmissa relatione, ipse Studiorum Praefectus officium suum (idque etiam faciat Pro-Cancellarius) deponat, omnemque curam Collegio resignet, ut nova habeatur electio. Nihil tamen vetat, quominus officio functi iterum eligantur.

N. B. Annus scholasticus constat decem mensibus, ultimo examinibus relicto.

Datum Romae e Secretaria S. Congregationis Studiorum die decimasexta Decembris, 1895.

C. Card. MAZZELLA, *Praef.*

IOSEPH MAGNO, *a Secret's.*

Loco ✠ sigilli.

CONFERENCES.

THE AMERICAN ECCLESIASTICAL REVIEW proposes to answer in this department questions of general (not merely local or personal) interest to the Clergy. Questions suitable for publication, when addressed to the editor, receive attention in due turn, but in no case do we pledge ourselves to reply to all queries, either in print or by letter.

CASUS MATRIMONIALIS,—CUM RESPONSO S. C. S. OFFICII.

(CIRCA MATR. CUM HEBRAEIS.)

Qu. Samuel hebraeus carnaliter cognovit Caiam catholicam, quae postea rem habuit cum Iacobo pariter hebraeo, Samuelis fratre. Deinde Caia concubinarie vixit cum Samuele et crimine gravida, ad prolem nascituram legitimandam, cum Samuele, qui baptismum recepit, in ecclesia catholica nuptias inivit. Quid de matrimonio in casu?

Resp. S. Congreg. S. Officii quaestioni propositae, mense (vide textum Responsi in fine) Iunio 1895, respondit: *Quatenus praevio processu saltem summario, servata tamen in substantialibus Constitutione Benedicti* XIV.—DEI MISERATIONE—*moraliter constet certo de contracta affinitate deque dispensatione non concessa matrimonium fuisse invalidum. Vide decretum S. Officii diei 26 Augusti 1891.*

Decretum 26 Augusti 1891 (*Vol. XXV.*, pag. 704, *Acta S. Sedis*) est sequens:—"Affinitatem quae in infidelitate contrahitur ex copula tum licita tum illicita non esse impedimentum pro matrimoniis quae in infidelitate ineuntur: evadere tamen impedimentum pro matrimoniis quae ineuntur post baptismum, quo suscepto, infideles fiunt subditi Ecclesiae eiusque proinde legibus subiecti."

Responsum S. Officii quamdam requirit explanationem. Primo loco S. Congregatio affirmat—*praevio processu saltem summario:*

Processus *summarius* seu *œconomicus* discriminatur ab *ordinario* vel *solemni* non ratione *substantiae* sed ratione *formae;* quia leges processuales ad hoc diriguntur ut veritas detegatur vel ad crimen puniendum, vel ad ius suum unicuique reddendum. Hoc autem assequi potest vel regulis iuris naturalis, vel normis iuris positivi, quibus ordo iudiciarius regitur: si primum, tunc habetur processus *summarius:* si alterum, processus erit *solemnis. Santi, lib. II. De Iudiciis.* S. Congregatio in casu summarium processum indulget, apposita tamen limitatione, de qua inferius.

Verum antiquissima in iure est quaestio quoad normas iuris naturalis in processu summario adhibendas. Clemens V. ad hanc definiendam contensionem constitutionem tulit quae est 2ª Clementinarum, *lib. V. De Verborum Significatione*; in dicta Constitutione determinatur quid in processu summario iudex omittere potest aut debet, quidve diligenter oportet inquirat et admittat. *Santi, Prael. I. Can. lib. II. De Iudiciis.*

Secundo loco S. Officium in responso affirmat—*servata tamen in substantialibus Constitutione Benedicti XIV.—Dei Miseratione.* Haec est limitatio de qua supra mentio facta est.—Ex iure antiquo causae matrimoniales agebantur iuxta leges latas in *Clem. 2ª de Iudiciis*, et *Clem 2ª de Verb. Signif.*, nempe iudicio summario (*De Becker, de Spons. et Matrim. p. 440*): at haec legislatio amplissimam nuptiarum dissolutioni viam relinquebat. Benedictus XIV. optime conscius de excessu abusuum in connubiorum dissolutionibus admittendis, necessarium duxit severiorem hac in re legislationem ferre: idque peregit anno 1741 celebri constitutione—*Dei Miseratione.*

S. Officium mandat ut *substantialia* dictae Constitutionis serventur in casu. Substantialia laudatae Constitutionis praecipua sunt *institutio Defensoris vinculi* cum definitis iuribus et officiis, et *necessitas duarum sententiarum conformium* pro declaranda nullitate matrimonii. At in casu S. Officium mandat ut serventur quae de Defensore vinculi statuta fuerunt a Benedicto XIV.: nempe ut Defensor vinculi interveniat in causa, quamvis processus sit summarius.

Ratio huius interpretationis eruitur ex decreto diei 5 Iunii 1889, vi cuius S. Inquisitio constituit non esse necessariam secundam sententiam in illis causis matrimonialibus in quibus *certo constat* inter contrahentes existere impedimentum affinitatis, super quo dispensatio non fuit concessa. En verba decreti—*matrimonium poterit declarari nullum cum interventu tamen Defensoris vinculi, quin opus sit secunda sententia* (Dec. S. U. I. R. 5 Iunii 1889).

Tertio loco S. Congregatio affirmat: *moraliter constet certo de contracta affinitate.* S. Officium his verbis exigit moralem certitudinem de contracta affinitate: quia in casu agitur de impedimento difficilis probationis; ordinarie loquendo in affinitate ex copula illicita testes proprie dicti desunt, et iudex oportet ex complexu circumstantiarum rem definiat et ad moralem perveniat certitudinem; huius tamen certitudinis fines signare praecisos impossibile est: saepissime quod pro uno iudice certum moraliter est, ab altero tanquam dubium censetur.

Tandem S. Officium declarat matrimonium in casu esse invalidum, dummodo dispensatio non fuerit concessa. Iuxta leges canonicas affinitas exurgit etiam ex copula illicita et dirimit matrimonium usque ad secundum gradum inclusive: *Conc. Trident. sess. 24, cap 4.* Caia in casu rem habuit cum Samuele et Jacobo fratribus hebraeis: hinc nonnulli tenent Caiam cum ambobus affinitatem contraxisse quia quamvis lex Ecclesiae non attingat hebraeos, tamen tangit Caiam catholicam. Alii vero hoc negant quia affinitas est quaedam relatio iuridica: et conceptus relationis ambos terminos supponit sub dominio legis; si lex non tangit unum terminum, relatio est impossibilis; quemadmodum in casu in quo viri complices criminis sunt hebraei.—Verum haec controversia dirimitur decreto S. Sedis. S. Congregationi de Propaganda Fide haec quaestio fuit proposita—"Vir infidelis ante baptismum copulam habuit cum infideli uxore alterius, cui annuente muliere fidem de futuro matrimonio acceptante, mortem intulit. 1° Potestne infidelis post utriusque baptismum matrimonium inire cum dicta muliere? 2° Potestne matrimonium contrahere si, quando patrarunt ista

crimina, una pars fuerit Christiana? S. Congregatio die 23 Augusti 1852 rescripsit: Ad 1^m Affirmative: Ad 2^m Negative." Ex hoc responso infertur legem ecclesiasticam quoad matrimonii validitatem attingere infideles *indirecte*, et Christianos *directe:* idque procedit ex unicitate contractus matrimonialis; impossibile siquidem est concipere matrimonium validum ex parte infideli et invalidum ex parte fideli; unde si pars christiana quidquam egit vi cuius iuxta leges ecclesiasticas impedimentum exurgit, impedimentum hoc non cessat quia altera pars utpote infidelis non est sub dominio legis, sed *indirecte* afficit infidelem, quia vi legis pars catholica est inhabilis ad validum connubium ineundum cum altera parte. Idque firmatur ab ipsa lege Ecclesiae quoad impedimentum *disparitatis cultus*: haec lex est pure ecclesiastica imo vi consuetudinis inducta et nullas reddit nuptias inter christianum et infidelem: quamvis infidelis extra legem ambulet; unde dicendum inhabilitatem partis baptizatae *indirecte* afficere infidelem. Quapropter concludendum ex copula illicita inter baptizatam et infidelem exurgere impedimentum dirimens affinitatis.

S. CONGREGAZIONE DI PROPAGANDA FIDE.

Protocollo N. 13290.

Casus matrimonialis.

Roma 10 Giugno 1895.

Illmo e Rmo Signore,

Con lettera del 6 Novembre, 1894, la S. V. nuovamente ricorreva a questa S. C. di Propaganda F. per il caso matrimoniale di un tal Samuele israelita. Questi ebbe carnale commercio con Caia, la quale fu poi in illecita relazione con Pietro, ebreo, fratello di Samuele. Essendo poi Caia vissuta in concubinato con Samuele, per legitimare la prole nascitura, lo sposo dopo che questi aveva ricevuto il battesimo. Proposto questo caso, si domandava se la relazione illecita di Caia con Pietro avesse prodotto l'impedimento di affinità dirimente il matrimonio di Caia con Samuele. Già in altra mia le scrissi che appena mi fosse giunta la risposta del S. Uffizio,

cui si era trasmesso il dubbio, non avrei tardato a comunicargliela. Ora dunque questa risposta mi è pervenuta ed è la seguente, che io trascrivo testualmente.

"*Quatenus praevio processu saltem summario, servata tamen in substantialibus Constitutione Benedicti XIV.*" *Dei Miseratione,*" *moraliter certo constet de contracta affinitate deque dispensatione non concessa, matrimonium fuisse invalidum.*"

Vide decretum S. Officii diei 26 Augusti 1891. Prego poi il Signore che lungamente La conservi e La prosperi. Di V. S. *Devotissimo servitore,*

M. *Card.* LEDOCHOWSKI, *Pref.*

A. Arciv. di Larissa, Segr.

CANONICUS.

THE LIMITS OF THE INFALLIBILITY OF THE POPE.

Qu. I have never been able to draw a clear line of definition on the subject of Papal Infallibility. The teaching of the Church is that the Sovereign Pontiff is infallible in matters of faith and morals (discipline) when he teaches *ex cathedra.* But what determines his teaching as being *ex cathedra?* Does it require a formal declaration on the part of the Pontiff that he wishes to enunciate any particular truth or law as infallible? or, if not, how can we be sure that any one statement of the Pope more than another enjoys the note of infallibility? There are dogmatic definitions, encyclicals which explain and forewarn the faithful, constitutions and decrees which regulate discipline, etc.; all these enunciate dogmatic or moral truth in one form or another. Are these not all truths, and if truths are they not necessarily infallible? and if infallible are they not all equally binding on the consciences of the faithful?

Another question which obtrudes itself here is: Is it admissible that the Sovereign Pontiff could ever be heretical in his expressions on subjects of faith? And how could such expressions be distinguished as heretical since there is no authority above the Pope to judge the degree of his orthodoxy, which by reason of its coming formally from the actual head of the Church, is, it would seem, stamped with the seal of infallibility?

Resp. A teacher who is at the same time a lawfully constituted ruler may utter truth in two ways: first, as one who

imparts to his hearers certain facts or principles for their guidance; secondly, as one who imparts to his hearers certain facts or principles *which he obliges them to accept and act upon* under penalty of exclusion from his tutorship. In like manner the Pontiff may simply *teach* the faithful, and in doing so he gives to them a *safe rule* to follow; or he may define a truth in such a way as to make it universally understood that to deviate deliberately in doctrine or act from such definition is to separate oneself from the fold of the Catholic Church. In the latter case the Pope speaks *ex cathedra*, that is to say, he uses the *full and supreme* authority of his office as teacher and pastor to direct the faithful. At other times he may refrain from using the *fullness of this power*, just as a superior may *advise* his subjects in cases in which he might *command* them; and the subject easily understands that whilst both advice and command rest upon the superior knowledge and right of the party who commands, and binds him to respect the judgment of the superior, nevertheless there is a difference of obligation. "Infallibilitate gaudet Pontifex tantummodo quando *suprema* utitur auctoritate apostolica omnium Christianorum Pastoris et Doctoris," says Mgr. Willemsen in his excellent tractatus *De Infallibilitate Romani Pontificis*, "potest autem Romanus Pontifex docere omnes Christianos *quin utatur tota intentione seu plenitudine potestatis*, seu quin intendat rem infallibili auctoritate definire; quo casu Pontifex loquitur non ut doctor privatus sed ut doctor publicus, attamen haud tota vi supremae auctoritatis. Tunc tradit quidem *regulam tutam sequendam*, non autem necessario infallibilem. Est actus quidem auctoritatis audiendae, non autem actus ex cathedra." (Op. cit. p. 84.)

As to the question whether a Pontiff could be heretical in his expressions, it seems altogether futile. History has hitherto furnished no example of such an occurrence, though there have been allegations of the kind, as in the case of Honorius. If Christ has promised to keep the Church from error through the instrumentality of the Holy Ghost, we may suppose that He will keep the Pontiff, to whom He

has committed the guidance of that Church, likewise from error. And as the weaknesses of members in the Church do not militate against this operation of the Holy Ghost, neither would the personal weaknesses of its head interfere with the divine promise. For the rest, the admission that the Pope, whilst personally peccable, yet in his office as supreme teacher and moderator of the Church is infallible, covers the whole case; nor is there any more difficulty here than there is in distinguishing between the *official* acts of a sovereign and his private deeds, not as a private man but as sovereign.

THE "IMPEDIMENTUM CRIMINIS."

Qu. How are we to understand the word "*formale*" qualifying the substantive "adulterium" in regard to the *impedimentum criminis?* To make my query clearer, I propose the following case:—John and Mary are both Catholics, and both duly married, but perfectly unknown to each other. They meet accidentally at some summer resort, and yielding to a sudden temptation have complete sexual intercourse. Is this "adulterium formale?" Would John be prevented from marrying Mary validly, supposing of course that his present wife and Mary's present husband die, and that all the other conditions of the *impedimentum criminis* are fully verified?

Resp. No! Such adultery is not "formale" as required by theologians, and consequently John could afterwards validly marry Mary provided no other impediment stands in the way. The reason is because the purpose of the Church in establishing this impediment is to check and punish mutual formal conspiracy against the marriage bond. Now, in the above case since neither knew that the other was married, (being, as stated, perfectly unknown to each other,) there could be no mutual formal conspiracy against the marriage bond. John committed formal adultery, thus violating his own marriage bond. Mary also committed formal adultery and in doing so violated her own marriage bond. But neither did John offer any formal injury to Mary's marriage bond, nor Mary to John's. Hence this law cannot be applied to them.

This is moreover the common teaching of theologians and canonists. In fact, Feije, *De impedimentis et dispensationibus matrimonialibus*, Cap. xix., No. 450, having stated the principle that this impediment "oritur propter injuriam uni eidemque matrimonio illatam," logically concludes that "requiritur utriusque (conjugis) circa unum idemque matrimonium scientia." Long before him, Sanchez, lib. 7, *De impedimentis matrimonii*, Disp. 79, No. 31, had taught the same doctrine. Here are his words in regard to a case similar to the above-mentioned: "quia impedimentum hoc institutum est propter injuriam irrogatam ab utroque adultero eidem matrimonio, committendo adversus illud adulterium, data fide futurarum nuptiarum; . . . at in hoc eventu ignorans non infert injuriam eidem matrimonio sed soli proprio."

From this it follows: first, that the word "formale" here has not exactly the same meaning as when we speak of sins; for in the above case both John and Mary have undoubtedly committed not a *material*, but a *formal* sin of adultery, and in going to confession they must accuse themselves of it; secondly, that when both parties are married, as John and Mary are, it is not necessary that each should know that the other is married. For if only one knows that the other is married we have all that is required to incur this impediment. Nay should both be married and both know that the other is married, we would have a double impediment, a circumstance which would have to be mentioned in asking for dispensation. "Duplex est impedimentum criminis," says Feije, *loc. cit.*, "necessario exprimendum in libello supplici, si duo conjugati alter alterius matrimonii scientiam habentes adulterium inter se committant, concurrente matrimonii promissione vel attentatione."

A. S.

THE CONDITION AFTER DEATH OF UNBAPTIZED INFANTS.

Qu. Is it the doctrine of the Church that children who die without Baptism *suffer torment?* Every one who has to deal with would-

be converts must have realized at some time or other how difficult it is to explain the Catholic teaching as commonly understood, without seeming to wound their sense of justice and charity. Mothers who remember the blank of their own minds and their prejudices before the truth came upon them through God's mercy can hardly reconcile themselves to the belief that their dead babes are in pain—without fault for which man's charity would hold his brother accountable. Some words of yours in the ECCLESIASTICAL REVIEW recently touching close on this subject, lead me to ask for an answer from the same source.

Resp. The terminology of Catholic theology implies that children who die without baptism *suffer loss;* but to suffer loss is not necessarily to suffer torment or pain, unless the sufferer *realizes the loss.* Deprive an infant of its inheritance, it will play and laugh as before, because it lacks the faculty which could make it appreciate the value of the inheritance.

The commission of sin by our first parents *dulled the capacity of the soul* for that enjoyment in heaven which had been its promised inheritance. Christ's Redemption placed at the disposal of man a *certain means to regain that original capacity* for heavenly enjoyment. Now those who for one reason or another do not (or cannot) make use of this means, retain that limited capacity which prevents them from fully enjoying the goodness, beauty and truth of God, for which they had been first created. This means of course a privation of some excellent good, or a loss. *If the soul were to be made conscious of this loss* it would certainly cause a longing and a regret which would be equivalent to suffering; but that longing would also be equivalent to a *baptism of desire which their previous condition prevented them from eliciting.* Is there any reason to suppose that this condition is impossible after death?

If on the other hand the soul that suffers the loss entailed by failing to get the means which lead to the beatific vision (i. e., Baptism—the Key of heaven), does *not* become conscious of the loss, then it cannot be said to suffer pain. "Ignoti nulla cupido."

The condition of unbaptized children after death need not be conceived as differing from that which they possess on earth before they are able to reflect. They are happy because they are in blissful ignorance of what lies before them ; and in this respect there is no apparent difference between the unbaptized and the baptized.

In the infant there is neither intelligent longing nor conscious remorse—only the *capacity* for the one and the other. That capacity becomes effective as soon as a certain cloud or hindrance to its free activity is removed. This removal takes place in Baptism. It acts like the optician's knife which cuts the horny substance that prevents the light from reaching the nerve connecting retina and brain. Without such operation the organ cannot do its work as originally designed, the eye cannot help the soul to enjoyment of beauty ; though it may suffer no pain.

If, as some theologians teach, the Expiation of Christ had its direct effect upon all the departed souls, and if the unbaptized children become conscious after death that they possess a capacity for happiness which their necessary condition on earth prevented them from realizing and using, may we not assume that the longing excited by this knowledge will meet the mercy of Christ and bring them eventually to the fruition of His Expiation in the beatific vision?

Thus it might be said that they endure purgatory with the hope of final enjoyment.

Some find a difficulty in the terms used by the Council of Florence "credimus . . . illorum animas qui in mortali peccato, vel cum solo originali decedunt, mox in infernum descendere, poenis tamen disparibus puniendas." Petavius who infers from these words that the Church teaches that children dying without baptism will suffer torment (poena sensus), is thus taken to task by Albertus a Bulsano (*Inst. Theol. Dogmat.—Polem.* vol. vi., p. 5, sect. 3, cap. 3, 1.) : "Ipsum (Petavium) hac in re hallucinatum esse theologi communiter judicant ; nam si ejus sententia vera esset, plurimi doctissimi et piissimi viri qui contrarium propugna-

runt, circa fidem aberrassent, cum tamen eorum sententiae ab Ecclesia nunquam condemnatae, sed potius approbatae fuerint." Perrone moreover calls attention to the fact that Petavius misread the Council of Florence: "non animadvertit Concilii Florentini definitionem cadere in vocem *mox*, non autem in qualitatem poenarum, de qua tunc non disceptabatur."

Hence the Council of Florence can no more be adduced as defining the belief of the Catholic Church in the *poena sensus* for unbaptized children, than similar expressions found in some of the Latin Fathers. Of these expressions St. Thomas (Quaest. disput. qu. V., *De Malo*, art. 2) says: "Quoad nomen tormenti, supplicii, gehennae et cruciatus, vel si quid simile in dictis sanctorum inveniatur, est large accipiendum pro poena, ut ponatur species pro genere. Ideo autem sancti tali modo loquendi usi sunt, ut detestabilem redderent errorem Pelagianorum qui asserebant in parvulis nullum peccatum esse."

The opinion that children who die without Baptism remain in possession of that participation in God's goodness and love which original sin lessened but did not wholly extinguish (since unbaptized children enjoy it in this life), is clearly stated by St. Thomas: "Deo conjunguntur per participationem naturalium bonorum, et ita etiam de ipso gaudere poterunt naturali cognitione et dilectione." (In II. Dist. 33, q. 2, art. 2 ad 5.)

One thing however must never be lost sight of in this interpretation of the Church's doctrine when we have to apply it in practice: The loss of the graces which assure us of the beatific vision is of such immeasurable proportion as compared to mere natural happiness, that the culpable neglect of Baptism is the direst misfortune outside of hell.

Hence, to make much of the fact that unbaptized children may enjoy a natural happiness is to minimize a most important truth. It was this fact which caused the Fathers to use strong language about the delay of Baptism in the case of infants.

H. J. H.

THE MEANING OF "STANDUM CALENDARIO."

The "Ordo Divini Officii," etc., for this year (1897) published in Paris, by Poussielgue, makes no mention at all of the feast of "The Holy Family;" and on the Third Sunday after the Epiphany, where said feast should have been indicated, St. Timothy, P. & M., is prescribed. Now, knowing that the feast of the "Holy Family" must be everywhere celebrated on that particular Sunday, may I, nay, must I, as a Rev. friend contends, follow the Ordo, on the plea of the well-known Roman decision: "Standum Calendario?"

To do so is, to my mind, tantamount to stultifying oneself, as the omission was clearly an oversight of the publisher of the Ordo.

Please explain the Roman decision "Standum Calendario."

Resp. 1. The Ordo above-mentioned, of which a copy is now before the eyes of the writer, gives the feast of the Holy Family for the Third Sunday after the Epiphany, hence there must be some variations in the editions.

2. The Office of the Holy Family does not seem to be obligatory everywhere, for the Baltimore Ordo says: "ubi fit de S. Familia."

3. The decision "standum Calendario" refers to cases where there exists a *real* doubt as to whether or not the Ordo is right—"in casibus dubiis;" and even though the greater probability is on the side of those few who think the Ordo is wrong—"etiamsi *quibusdam* probabilior videtur sententia Calendario opposita," nay, even if the error were certain, but to some one person only, v. g., to an expert in Rubrical difficulties, but who could not make his case clear to others. Hence, only when there is clearly an error, v. g., a decision, recent or old, against the position of the Ordo, or when the great majority of priests in any locality perceive the error, or when several authors or experts admit the error, is one allowed to depart from the Ordo.

BICYCLE COSTUMES FOR CLERICS.

Qu. Since the use of "the wheel" has become a matter of recognized utility, the question arises: how far may a priest conform to the fashion in dress suited to the convenience of bicycle-riders? The "sweater" and the Roman collar are hardly

compatible forms of dress; yet in some dioceses, at least in the Eastern States, it is statute law to wear the Roman collar and a coat reaching to the knees. In view of this fact some priests maintain that if the bishop permits the use of bicycles he implicitly sanctions the use of a suitable dress, and such sanction takes away the obligation of the diocesan law to wear the Roman collar and long coat.

1. Could such a position be defended?

2. Could a bishop forbid his clergy to use the ordinary bicycle garb worn by the laity, and to retain the Roman collar?

Resp. Though a bishop may *tolerate* the use of the bicycle, even for the purpose of carrying the Blessed Sacrament to the sick, when there is no probable danger of irreverence, it could not be maintained that he thereby implicitly sanctions the use of a dress which in a manner disguises the priestly character, by removing the external marks that distinguish the cleric from the layman. In the first place, it is to be noted that the ordinance regarding the wearing of the Roman collar is not a merely local law in "some dioceses of the Eastern States," but binds wherever the decrees of the Plenary Council of Baltimore are obligatory. The words are very plain: *Stricto praecepto sacerdotibus nostris injungimus* ut tam *domi quam foris*, sive in propria diœcese degant, sive extra eam, *collare quod romanum vocatur gerant.* (Conc. Balt. Plen. III., n. 77.) This ordinance "utendi vestitu idoneo ad distinguendum clericos a laicis," applies alike to regulars and seculars in the United States. Hence it is quite beyond the power of any Bishop to tolerate, by either implicit or explicit sanction, that priests wear the bicycle dress in place of the black coat and Roman collar.

It follows that any Bishop within the jurisdiction of the Baltimore Council not only could, but in all likelihood will, forbid his clergy to don the "sweater," as soon as he becomes cognizant of the fact that there are priests who do so. Such prohibition is in order not only with regard to sick-calls, but for all seasons, since the Council, after prescribing that priests should wear the cassock in the house as well as in the church, adds that when they go out whether it be in the performance of pastoral duty, or for recreation or to travel, they are

obliged to wear the clerical dress. "Cum foras prodeunt muneris vel animi recreandi causa vel in itinere, brevior quadam veste indui licet, quae tamen nigri coloris sit et ad genua producatur, ita ut a laicis distingui possint." (Conc. B. Pl. III. l. c.)

The argument that the ordinary clerical street dress is an inconvenience in riding the bicycle, can hardly be adduced as a serious objection to maintaining the external dignity of the priestly calling. The practice of many respectable laymen and women who do not find it necessary to change the ordinary citizen's dress is sufficient answer; and if the greater convenience were to be made the principal criterion of propriety in dress we should soon run into folly. An American priest, we fancy, may be the priest everywhere in public without arousing any feeling which, like the persecuting spirit of pagan nations, would justify the attempt to disguise his sacred calling. Our religious men and women find no difficulty in maintaining respect for their calling despite the oddity of their dress. If diversions indulged with legitimate openness should draw the attention and criticism of scandalmongers upon a priest, his general conduct among those who know him would be a sufficient defence against serious consequences which might otherwise arise from misinterpretation of harmless recreation. It is questionable moreover whether a priest really succeeds in one case out of a hundred in diverting attention from his sacerdotal character by any attempt at imitating the freedom of lay persons in the matter of dress.

BENEDICTION OF THE BLESSED SACRAMENT IN CONVENTS.

Qu. We have four or five Sisters here teaching school. When they came they gave me to understand that they had Benediction of the B. Sacrament on Fridays and Sundays where they came from in their convent chapel, but I find it is not the custom in this diocese. Was I right in giving it and may I continue?

Resp. The religious Sisters who teach our schools are entitled to every aid which the devotion to the Blessed Sac-

rament and the kindness of their pastor or chaplain can give them. But for the sake of order and uniformity they should have a form or card upon which the days for Benediction are specified, and this card should be signed by the Bishop, or, under his sanction, by the chancellor. The particular reason for such precaution is that different communities of nuns have special feasts on which they are privileged to have Benediction over and above the days which are specified for all communities by the Plenary Council of Baltimore or by common diocesan statute.

COMMUNION OUTSIDE OF MASS.

Qu. If Communion is to be given *extra Missam*—not in black vestments—must the blessing be given? Is the blessing *intra* missam sufficient? Is it ever to be given when black vestments are used?

Resp. (*a*) If Communion is to be given immediately before Mass, then the "blessing" may be given, as the Rubric makes no distinction of times; but some authors say that it should not be given in case the persons who receive Holy Communion are to remain to the close of the Mass.

(*b*) If Holy Communion is to be given immediately after Mass, then the blessing should be given.

(*c*) When black vestments are worn, the blessing is never given.

COMMUNION WITHOUT FASTING.

Qu. Is it true that Rome has granted a concession in favor of Religious, exempting them from the Communion fast in cases of protracted illness? If so, does the concession carry with it the privilege of receiving Holy Communion whenever the Community does?

Resp. No such concession has been granted. We answered a similar question in the April issue of the REVIEW, pp. 442–443. We said there that as there is no obligation of receiving Holy Communion for those who cannot receive

fasting (except in the case of Viaticum), the Holy Eucharist is ordinarily denied in such cases until the invalid is entitled to Viaticum. There is no new decree nor any departure from this general rule; but, as we pointed out, there may be exceptions. In case of such, application is to be made to the Holy See for the privilege of communicating without fasting, which applications, in form of petitions, must be signed by the Ordinary of the diocese.

THE MISSAL TO BE FOLLOWED.

Qu. Will you please inform me if it is proper for the choir at a Requiem Mass to change from the plural to the singular, according as the Mass is said for one or for many, the line in the *Dies irae*—"Dona *eis* requiem." Some sing *ei*, others *eis*. The Missal has the plural; must we not follow the Missal?

Resp. The proper norm is the Missal. The *Sequence* alluded to is a liturgical prayer, which may not be changed in the prescribed functions of the Church except under sanction of the rubrics, as in the case of the Hymn *Iste Confessor*. The wisdom of this principle is patent. But for it, the time-honored and consecrated formulas of the Church would be at the mercy of individual judgment, of private devotion, and productive of untold well-meaning, perhaps, but misguided innovations, to the loss of that essential character of unity of devotion and of doctrine which is the mark of God's Church. We cannot too jealously guard these traditional prayers of the Church. They are closely allied with and inter-dependent upon the teachings of our faith, so that it has become a rule that *legem credendi statuit lex supplicandi.*

BOOK REVIEW.

THEOLOGIAE MORALIS Institutiones quas in Collegio Lovaniensi Societatis Jesu tradebat Eduardus Génicot, S. J. Duo Volumina. I., pag. 721, II., pag. 876.—Lovanii: Typis et Sumpt. Polleunis et Ceuterick. 1896-1897.

The University of Louvain has for centuries played an important part in the domain of theological authorship. Its champions, whether of truth or of error, have never battled with dull weapons, but always with a keenness of intellect and an incisiveness of methods which have gained for the old city the name of "la ville savante." This is true of Moral Theology as of other ecclesiastical disciplines. Only recently we had occasion to give a favorable notice of an exhaustive treatise *De Matrimonio* by one of the ablest canonists at the University, Dr. De Becker, who belongs at the same time to the special staff of the American College. Simultaneously with Dr. De Becker's work appeared the first volume of the *Institutiones* by P. Génicot, professor at the Jesuit College, where the American students attend the course-lectures in Moral Theology. This volume, besides the introductory tracts *De Actibus Humanis*, *De Conscientia*, *De Legibus*, and *De Peccatis*, contained those treatises in what is called "special" Moral Theology which deal with the "divine precepts," with the topics of justice, right, and "contracts."

One cannot take up P. Génicot's work without becoming at once conscious that he deals with his subject in a thoroughly independent spirit; that is to say, he departs without scruple from the stereotyped repetition of arguments and proofs which have hitherto been largely considered as conditions *sine qua non* in the interpretation of moral science. There is noticeable in the book a marked reduction in the number of customary references which collate the various opinions of theological doctors regarding any given question capable of being discussed from different points of view. A sort of respectable tradition had up to a recent date made it almost obligatory for the author of a theological text-book to multiply citations from writers holding contradictory and contrary opinions, and

the result has more frequently been to arouse doubt, in the mind of the student, as to the fixity of fundamental principles, than to extend the view of the many-sided form in which those principles might be applied. Of course it is well that the student should be made to realize the weight of judgments formed by grave authors of different schools, but when their diversity of opinion is not so much a matter of practical application, as rather of speculative difference, then it becomes a mere pedantry which embarrasses the mind, and leaves the tyro in theology under the impression that there are few questions in moral science upon which doctors agree or need agree. A result of this method is frequently to create misapprehensions and low views of that spirituality which is the life of the *regimen animarum;* and the immature mind of the student is thus lead to select norms for the direction of souls which, whilst seeming to favor a broad exercise of judgment, actually narrow down to an inconsistent individualism the liberty of spirit which marks the acts of a healthy religious life. Men educated under such a system will often quote the name of an author instead of a principle, in order to justify their decisions in the confessional. This is hurtful alike to the spirit of study and to the interest of souls. "*Eos qui Theologiae Moralis studere incipiunt vel occurrentis casus solutionem quaerunt,* parum juvat scire *quis quid dixerit, modo doctrinam practice tutam clare expositam reperiant.*" What the student requires first and foremost is a clear knowledge and appreciation of the laws of right action and of the principles upon which conformity to these laws is determined. The mutual relation of principle and law may require illustration, but anything which goes beyond the bare limits of this purpose should be omitted from the text-book however usefully it may figure in a history of moral controversy.

Another characteristic of P. Génicot's book, or better said, another sequence of the principle already explained that guides him in his teaching, is his habitual preference for reason, instead of the mere authority established by a certain consensus of theologians. Only in cases where neither logic nor the decisions of the disciplinary tribunals of the Church offer a norm for forming a practical judgment, does he, after giving his own view, add the names of prominent authors who are for, and who are against, such views.

This method is eminently satisfactory, and will, we are sure, recommend itself particularly to American students to whom the carrying of cumbersome ballast—even in theology—is always an irksome task. Our seminarists are indeed fortunate in possessing

already good texts for the class-room which have been arranged with a special view to the missionary needs of the country, but there are few persons engaged in the study of moral theology who feel that any single work on moral science completely answers the manifold demands made upon the priest in his missionary office, or as a guide of the spiritual life.

As to the disposition of the subject matter, P. Génicot had necessarily to follow the path suggested by the order and form of things which constitute the discipline of moral action, and of the elements which shape such action to a definite end. Nevertheless, as part of a living organism, the developments of the moral life frequently call for new and discreet coördination, which increases or diminishes their value as responsible acts. Such are the varying phases of the so-called social question; certain new methods in medical practice as a result of experimental science in connection with the functions of the human organism; likewise a more complete analysis than was formerly possible, of certain phenomena which separate the physiological from the psychological elements, etc. On the other hand, the altered conditions of society have brought about a corresponding change in the legislation and legal terminology of the Church to meet the new requirements. Such are the enactments respecting secret societies, the regulations in matter of marriage, dispensations, the censure of books, etc. In regard to the last mentioned topic, we would call attention to the fact that when the first volume of P. Génicot's book appeared the Pontifical Constitution, *Officiorum ac munerum*, had not yet been published, hence the author reverts to the subject at the end of the second volume, where he gives a lucid exposition of the rules laid down by Leo XIII. for the censure of the press. This leaves of course intact the mode of procedure for the examination of books prescribed by Benedict XIV. In the controversy as to whether pamphlets come within range of the positive law prohibiting the printing and circulating of certain books, our author considers the negative a tenable and probable opinion, inasmuch as the language of the Holy See is not explicit upon the subject, whilst in various other places it makes the distinction between *libri*, *folia*, *libelli* and *scripta*. We imagine that in spite of the principle "odiosa sunt restringenda," this interpretation leaves open one very efficient channel for the evil which it is the manifest purpose of the Holy See to prevent, and that upon a purely technical distinction. However it is an open question, and there are grave reasons on both sides.

As the work was written primarily for students who attend the University of Louvain, the Belgian Code and practice at law, both civil and ecclesiastical, is generally referred to, but not without due regard for the legislation of other countries, including the enactments of the Councils of Baltimore. Here one naturally feels the desire that the virtue of conciseness and brevity which throughout distinguishes the writer of the *Institutiones* could have been dispensed with for the sake of preventing misapprehension, as for instance, in the reference to the recent concession with regard to certain secret societies in the United States, where the phrase "sub certis conditionibus tolerari posse ut fideles, ad grave damnum vitandum, permaneant adscripti tribus societatibus Americanis quas S. Sedes reprobavit" really means that the conditions mentioned constitute a sufficient ground for applying to the Apostolic Delegate who may or may not grant the act of toleration, "ut permaneant *adscripti*," but only in the sense of "*nomen* proprium *in catalogis* sociorum *retinere*," without really allowing a continuation of even passive membership.

We earnestly recommend this excellent work to priests and especially candidates in theology for systematic study. The typography and make-up of the work is in every way a model of the publisher's art.

GEOFFREY AUSTIN: STUDENT. Dublin: M. H. Gill & Son. 1895.

Here is a book which should be immensely popular with educators of boys and young men, yet which has not thus far received any adequate recognition from those critics who most complain of the dearth of such works in Catholic literature. In some ways "Geoffrey Austin" reads like "Tom Brown at Rugby;" but its lessons are even more noble, reaching both teacher and pupil from the high plain of practical Christianity.

The writer sketches the career of a young student at a private Catholic College in Ireland where boys are being prepared for the English civil service examinations. He draws with masterly hand the portraits of tutors and prominent characters among the students, and sustains the interest of the story throughout not only by the varied incidents of college life, but by reflective side-lights which bring out the past history of certain prominent actors in the plot. The whole presents a picture of youthful

chivalry and of noble impulses, as of youthful folly and inherent meanness. Above all it shows up a false tendency fostered in many of our institutions of learning, not only in Ireland but in America as well. "If in these co-called Catholic colleges," says Charlie Travers, a thoughtful young fellow, when he realized his first experience of self-degradation in life, "they taught us a little more of Christianity and a little less of paganism, perhaps you and I would be better equipped for the battle of life in which we have just sustained our first fall. It is not right to be vindictive, but I cannot help a feeling of contemptuous anger against the men to whom, principally because of their religious professions, our education is committed." The author does not indeed mean to place a low estimate upon the old classical learning, but he contends for a right use of it in illustrating it by Christian principle, or *vice versa*. Austin, the hero of the book, speaks of Mr. Dowling, the tutor in Greek, as a man "who knew how to excite an enthuasiasm, a passion, which after the holy desires of religion is the purest that man can experience," a professor who made the student feel day by day that his mind was growing and developing under the genial and kind influence of his teaching. We learn that the prevailing system of instruction fails to "educate." "It is filling in, not drawing out or developing. It is making the human mind an arithmetical or geographical or historical calendar or register that may be used as a type-writer or a self-adjusting thermometer is used—but the higher faculties of soul?" Nor is the author afraid to indicate the weaknesses which foster in part the false delusion upon which we base our progress in education. One of these weaknesses is a sort of hero worship by which we appropriate the glory of our ancestors, not only in matters of chivalry, art and letters, but even so far as to make their piety a substitute for our want of it. "I have noticed," says a bright and sensible young Frenchman, to some of his Irish colleagues, "that you Irish, whilst continually boasting of your faith and censuring less fortunate nations forget to practice its most elementary yet significant ceremonies. You boast of the antiquity of your faith, but you are ashamed of it;—in your hotels not one in a hundred would dare make the sign of the cross before meals. You pare down and minimize the teaching of your Church to suit Protestant prejudices. We, in France, are one thing or another. We are infidels or Catholics; but you——." Of course there is an uprising among the boys of the Isle of Saints against such an assertion, but the most sensible of them finally admit that

an unpalatable fact may yet be a truth. We trust that such features of outspoken conviction may not in the present case prevent the merits of the book from being duly appreciated. No doubt it is in many respects a matter for regret that, as Cardinal Newman says, we should set ourselves to unlearn the poetry of the world in order to attain its prose, yet such "is our education, as boys and as men, in the action of life, in the closet or the library, in our affections, in our aims, in our hopes, and in our memories."

The author dedicates his book to the "Catholic youth of Ireland in whose future our highest interests are involved." This dedication gives us the key-note to the purpose of the volume, which is only "a prelude to deeper and diviner things." We sincerely hope for the continuation of this interesting and instructive addition to the pedagogical literature of our time.

HISTOIRE DE LA PHILOSOPHIE ET PARTICULIÈREMENT DE LA PHILOS. CONTEMPORAINE. Par Élie Blanc, Prof. de Philos. Aux Facultés Catholiques de Lyon. Lyon, Vitte; Paris, Vic et Amat, 1896, 3 Vol. in 12, pp. 656, 660, 656. 3½ francs chaque vol.

The literature of the history of philosophy outside of the German language is not extensive. Works of the kind written in English are for the most part meagre and unreliable. There is, of course, the well-known history of philosophy by George Henry Lewes. Clever and interesting like all things that ran off from his facile pen, it is impregnated throughout with the author's *a priori* positivism, if one may couple such terms. The portion of the work treating of medieval scholasticism is a farce. One reason why this is so is told us by Mr. Lewes himself. He confesses, for instance, to "only a second-hand acquaintance" with the works of Albertus Magnus. "More than once," he says, "I have opened the ponderous folios with the determination to master at least some portion of their contents; but I shut them again with an alacrity of impatience which will be best comprehended by any one who makes a similar attempt." (History of Phil. v. II p. 75.) Other medieval tomes have not received from the author even as much recognition as this.

Outside of this story about philosophy—story much in the sense the children are wont to express by the term—most of what we have in English has been done out of the German, and carries with it together with the profound, though not always broad erudition of the

original, much of the sand and slate in which the gold of the German professor is proverbially embedded. Überweg and Kuno Fischer and Erdmann and Windelband and Weber and the rest are learned, and not light nor trivial it need hardly be said. They are of value to the student of philosophy, mostly for their copious bibliography, but they either practically ignore or misrepresent, unintentionally we believe, the content and life of Catholic philosophy. Fortunately for the interests of the latter philosophy there is in German a full series of works which cover the entire field of philosophy down almost to our own day. We refer to the histories of Dr. Albert Stöckl. His separate works, on ancient, medieval and modern philosophy, and his general history of philosophy form a monument of which Catholic Germany may well be proud. Part of the latter work has been rendered into English by Father Finlay, S. J. Outside of this translation which covers only the Pre-Scholastic period, there is no work in our own language that does anything like justice to Catholic philosophy, or that makes use of the principles of that philosophy towards a critical examination of out-lying systems. The present writer has, however, been recently informed that some such work is in course of preparation by a competent hand. We trust it may not long be delayed, for it is greatly needed and would make the desired crown to the excellent series of the Stonyhurst Manuals on general philosophy.

The French are not much better off in this line than we. They have a number of serviceable compendia by Vallet, Brin, Carbonel and others ; and especially P. Pascal's translation of Card. Gonzalez *Historia de la Filosofia*. The latter is strong in medieval, but incomplete as regards contemporary philosophy. To this not too extended list comes now the timely and solid addition by the Abbé Blanc. The special merit of this most recent contribution to the literature of its subject lies in the full exposition it gives of the philosophic movements of the last three centuries. Somewhat less than half the first volume is taken up with the ancient philosophy amongst the Orientals, the Greeks and the Romans, the rest of the volume being given to the systems of the early Christian and medieval centuries. The second and third volumes are devoted entirely to modern philosophy from the Renaissance down to the present day. The author's aim throughout is to make his readers acquainted not only with systems and schools but with the life and work of founders and disciples. The mere narrative of opinions and enumeration of works would be as uninteresting as valueless to the

average student. The author has therefore been careful to furnish continuously judicious critiques of the philosophical doctrines he describes.

The point of view from which this critical feature is presented is, of course, that of Christian philosophy which alone, as the story of its life and of its relations attests, blends in harmonious synthesis the data of experience, the *a priori* intuitions and principles of reason and the unchanging, universal traditions of humanity, with the content of divine revelation. The inner coherence of this philosophy, the harmony of its outer relations, its normal historical development, justify its being taken as the standard by which to measure the truth and error of the various other products of philosophic thought.

Apropos of this standpoint it may be desirable to let the Abbé Blanc himself give his view of the present philosophical outlook. "Two facts," he says, "stand forth in the field of philosophy in the nineteenth century—facts that dominate all others and embody motives of great hopes. The first is the extreme importance assumed by social philosophy in consequence of the extraordinary development of industry and commerce, and the prodigious growth of population in certain countries. The second is the renaissance of scholastic philosophy which has gained on all sides a large following and is combatting in every language the errors of the times. From these two facts whose importance is attested by their universality there results a third—viz., the new and preponderating influence which philosophy has been called upon to exercise. More, perhaps, than ever before philosophy has become universal. It can no longer remain a stranger to the physical sciences, to sociology, to political economy, to history, to belles-lettres or the arts, and above all not to religion and popular education. Those even who have heretofore opposed philosophy most vehemently and have striven to supplant her by the empirical sciences, have labored for her advancing triumph. And so it has come about that the works of Auguste Comte and Herbert Spencer witness to the universality and immense importance of that which their authors strove to debase and destroy. The nineteenth century, whose history, on the one hand, seems adapted to show the impotence of philosophy attests, on the other hand, at once its necessity, its universality, its incalculable importance and the immense service it shall render in the day when, faithful to its mission, it shall demonstrate the perfect harmony of human reason with Christian

faith." (Vol. II., p. 441.) With this reading of the signs of the time and expression of the hope that is in him, the author introduces his history of contemporary philosophy. For the verification of this insight and the justification of this confidence the reader must go to the latter half of the third volume of the work at hand—a work by the way which, together with its wider historical features, exhibits in the concrete and with the warmth of life the abstract truths of the system which the author had summarized in his preceding *Traité de la philosophie scolastique.*

The student will not find here that wealth of fact and speculation he meets with in the histories by Dr. Stöckl, but he will find clear and on the whole satisfactory pictures, often done with a few bold, suggestive strokes, of the efforts made along the march of history by the masters of human thought at solving the ultimate problems of existence and of life, and together with these sketches judicious estimates of their net value in the evolution of the human mind.

The index puts the reader in contact with the work of over a thousand philosophers. To most of these, of course, but little printed space could be allotted. All of them, moreover, have not just claim to the philosopher's mantle. These occupy ground on which others ought to stand. One misses in a broad work of its kind such philosophers as Newman, Ward, Brownson, Barry, to say nothing of Martineau, McCosh, Porter, and other such who have done yoeman service in the cause of sound philosophy. We say *broad* work for the author extends the range of his subject wide enough to bring in writers on apologetics, on the philosophy of religion, of the sciences, of language, of social and economic life, etc.

Still, where one finds so very much that is solid and useful it is hardly fair to grumble that he does not get more. Omissions, moreover, can be supplied in future editions, many of which we trust will be demanded. F. P. S.

LE CHRISTIANISME ET L'EMPIRE ROMAIN DE NÉRON Á THEODOSE. Par Paul Allard. pp. xii., 303; **ANCIENNES LITTÉRATURES CHRÉTIENNES: LA LITTÉRATURE GRECQUE.** Par Pierre Batiffol. pp. xvi., 347. Paris: Victor Lecoffre, Rue Bonaparte, 90, 1897. pr. 3½ francs. chaque vol.

We have here the beginnings of one of those large enterprises for the propagation of truth which find their strongest motive and

surest support in the zeal and generosity of Catholic France. The project of Leo XIII., entrusted originally, by his pontifical brief on historical studies, to Cardinals De Luca, Pitra et Hergenröther, pertinent to the publication of a universal history of the Church constructed in accordance with the results of modern critical research, is here inaugurated. The complete design is to be embodied in a series of some twenty-five volumes, containing each from three to four hundred duodecimo pages, and covering the range of subjects comprised in or immediately connected with the broad life of the Church from her birth down to our day. The first part of the program embraces six volumes on such subjects as the beginnings of Christianity, its relations to the Roman Empire, the literatures, institutions and theology of the early Church. Thirteen volumes treating of the churches amongst the barbarians ; amongst the Syrians ; and in the Byzantine Empire ; the Holy See ; the Reformation of the XI. Century ; the priesthood and the Empire ; the formation of Canon Law; medieval ecclesiastical literature ; mediæval theology ; the Christian institutions of the time ; the Church and the East ; the Church and the Holy See from Boniface VIII. to Martin V. ; the state of the Church at the outgoing of the Middle Ages—these deal with the development of the Church's life down to the Revolt of the XVI. century. Some ten additional volumes are assigned to the ecclesiastical history of the last three centuries.

Each of these volumes is entrusted to a recognized authority on the pertinent matter, who will treat his subject in such wise as to meet the requirements and ability of average cultured readers, lay as well as clerical. Each volume will therefore afford a fairly complete survey of its subject, and by aid of suggestions and its literary apparatus will direct the specialist student to further sources and methods of development. The scope therefore of the work places it midway between the smaller and more elementary works of the kind, and the erudite productions of writers like Janssen, Pastor, De Rossi and Hefele. Such is the general character of the undertaking. The mere announcement of its inception ought to enlist in its support every earnest student of history, every cultured reader, every one who desires that the historical life of the Church should be presented to the world in the light of authentic documents and in its veriest truth. The Catholic world has long been eager for just such a history as this promises to be. It remains to be seen what practical encouragement will be held out to ensure the successful progress and completion of the undertaking.

Thus far the two volumes of the series before us have appeared. The first on Christianity and the Roman Empire is from the hand of one who has already reared an enduring monument perpetuating the story of the infant life of the Church. Every student of that period of history, ecclesiastical as well as profane, is familiar with M. Paul Allard's splendid volumes on the Christian persecutions and the Christian slaves. In conformance with the scope of the series the present volume sums up the ascertained results of historical research on the early life of the Church, especially in her relation to the Empire from Nero to Theodosius. The picture is made to stand out in bold relief, yet sufficiently filled out in detail of fact, of cause and effect, to afford a satisfactory conception of the period described. The reader desirous of further information is directed by the full bibliographical index to the original sources and to cognate modern works, many of the latter being within the easy reach of the English-reading student. There is a good index of names appended to the volume, but one misses a table of contents. The omission must have been an oversight.

M. Batiffol, in the second volume at hand, does for the early Christian literature in Greek what Krüger had done for the ancient Christian literature in general, and what William Wright had done for the early Syriac literature in particular.

The period of literature here described extends from the beginning of Christianity down to the reign of Justinian, and falls readily into three main divisions. The first comprises the primitive epistolary works, canonical and non-canonical, the Gospels, Acts of the Apostles, Acts of the Martyrs and other documents of a strictly historical character ; the prophetical and homilectical ; the didactic, the liturgical, poetical and epigraphical works. The second division extends from Hippolytus of Rome to Lucian of Antioch, and includes the episcopal and synodical writings as well as the works of the Christian schools and doctors of the period. The third division, extending from St. Anastasius to Justinian is rich in Conciliar, historiographical, liturgical, ascetical, poetical, as well as in the then developing works in theology and exegesis.

In elaborating the material the author has taken great pains to build from reliable texts. To this end he has availed himself, though with independent discrimination, of the labors of the most authoritative critics, such as Bardenhewer and Krumbacher of Munich, and especially Harnack of Berlin, who, despite his ration-

alistic assumptions and inferences, has done much towards securing pure texts of the early Christian writers.

Covering, as he does, so large an amount of matter within such relatively small space, M. Batiffol's pages bristle with names and figures, and the fastidious may not be attracted, but the earnest student seeking a compendious statement of the range and character of the Greek Christian writings during the first six centuries, will find the present work of genuine service and the copious bibliographical references will guide to more abundant sources.

LIBER STATUS ANIMARUM. With the approbation of the Most Reverend Archbishop of St. Louis. B. Herder: St. Louis, 1897. $2.00.

A conveniently arranged book of 180 large pages (15x10), with a number of reserve leaves for an alphabetical index of names, stoutly bound in leather. On one side of the page columns are ruled off with the respective head-lines at the top for date of taking memoranda, the Christian and surname of the husband, the Christian name of the wife, of the children, also of others of the household, for residence, occupation, etc. On the other side of the folio place is provided for entries of country of birth, age, whether married or single, if baptized, confirmed, made first communion, Easter Communion, going to school, pewholder, etc.,—and space reserved or remarks. There is also, in the same form, a serviceable pocket census book to accompany the *Liber Status Animarum*—price 25 cents.

BOOKS RECEIVED.

BROTHER AZARIAS. The Life Story of an American Monk. By John Talbot Smith, LL.D. New York: William H. Young & Co. 1897. Pp. 280. Pr. $1.50.

DE RELIGIONE REVELATA. Libri quinque. Auctore Gulielmo Wilmers, S J. Cum approbatione Rev. Episcopi Ratisbon. et Super. Ordinis. Ratisbonae, Neo Eboraci, Cincinnati: Sumptibus et Tpyis F. Pustet. 1897. Pp. 686. Pr. $2 50.

THEOLOGIA MORALIS. Decalogalis et Sacramentalis, auctore clarissimo P. Patritio Sporer, O.S.F. Novis curis edidit P. F. Irenaeus Bierbaum, O.S.F. Cum permissu superiorum. Tomus I. Paderbornae: